

**Ennis, David, EMNRD**

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**From:** CHUCK BARRETT <elrojo2u@gmail.com>  
**Sent:** Thursday, October 25, 2018 2:51 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comment on Operating Permit, NMCC Copper Flat Mine  
**Attachments:** Operating Permit Comments, Barrett.docx

Dear Director Martinez:

Attached please find my comment on the pending operating permit for the New Mexico Copper Corporation Copper Flat Mine. I am a homeowner of a house in Hillsboro, NM, a short few miles from the site and thus have a direct interest in the mine's operations.

Respectfully,  
Charles P. Barrett

Mr. Fernando Martinez  
Director, NM Mining and Minerals Department  
RE: Operating Permit, NMCC Copper Flat Mine  
Comments of Charles P. Barrett, homeowner  
10792 Highway 152, Hillsboro, NM

I write to oppose the granting of an operating permit to the New Mexico Copper Corporation for its Copper Flat Mine. I am a home owner in Hillsboro, NM., and thus am directly affected by the proposed operations.

I oppose the permit and the reopening of the mine for the following reasons:

1. **The jobs claims given by the mine are self-contradicted.** The NMCC has entered into a contractual understanding with the Jicarilla Apaches to grant them first preference to all jobs generated by the construction and operation of the mine while at the same time promising some 270 or more jobs to residents of Sierra County.
2. **The NMCC's claim to provide steady long-term jobs is unrealistic.** The NMCC promises steady, high paying jobs but this is inconsistent with three realities. First, the price of copper has never remained at NMCC's stated minimum feasible level of an adjusted \$3.00 per pound for a period of 12 years in modern history, the operational period proposed by the mine. Second, NMCC has been adjudicated a total of just under 900 afy of water, which is insufficient for full time operation. Both of these realities mean that in all probability NMCC's Copper Flat Mine will devolve into either an intermittent operation or have a shorter run than proposed, either alternative of which will mean that the jobs on offer will not be steady or long-term.
3. **The NMCC's claim to provide high-paying jobs to Sierra County residents is overblown and unrealistic.** Many of the jobs required to build and operate a modern copper mine require skills that Sierra County residents neither possess nor are likely to be able to be trained to possess in the short term or with the inadequate modicum of training offered by NMCC in its plans. Thus NMCC will have to import many workers from out of the County instead of hiring from within it.
4. **The economic impact claims of the mine are contradicted by its own history.** When NMCC's predecessor operated in the 1982-1983 buildup and operations phases, mining was the fifth out of seven standardized sectors of employment and revenue generation in Sierra County—lagging behind Retail, Farming, Government and Tourism, according to statistical data kept by the Federal Reserve Data Archive in St. Louis. Thus the County's focus on and diversion of resources to supporting the mine have an impact which reduces potential development of more productive economic activity for its residents.
5. **The NMCC's claimed need for water would be destructive of farming.** NMCC has claimed that it needs some 6,100 afy of water for a minimum of 12

years to profitably operate the Copper Flat Mine. This amount of water would deplete ground water relied upon as part of the irrigation reserves and supply of farmers in the Arrey area, which industry, as we have seen, has been seen to contribute more to the economy than mining did to Sierra County.

6. **The Copper Flat Mine's proposed water usage is a threat to established local water users.** NMCC says it needs some 6,100 afy of fresh groundwater to operate the Copper Flat Mine. Pumping that much water would lower the water table in the vicinity of the mine and seriously drain local streams important for wildlife and residential water supplies, especially in Hillsboro and Arrey in addition to reducing water flows into the Rio Grande river.
7. **The mine permit will not lead to a "self-sustaining ecosystem" after the mine closes as required by the NM Mining Act.** The pit lake has no provision to reduce toxicity that is adequate to allow use by wildlife. The waste rock piles have no liners thus allowing constant acid drainage from the site. These factors would require constant monitoring and perpetual maintenance and treatment which are not allowed under the Act.
8. **The Financial Assurance is Inadequate as to monitoring and maintenance of the site.** The proposed financial assurance in the permit is insufficient to cover several items. First, it fails to cover long-term monitoring and maintenance of post-mining site reclamation. NMED has said they want a 100 year period of monitoring and maintenance, but so far, NMCC has proposed only 25 years. Second, financial assurance fails to cover the gap in costs between the actual and probable costs of road repair to NM 152 and the state's resources. This gap will likely lead to damaging, even hazardous driving conditions on the one hand and a tax burden to state and county residents on the other.
9. **The Financial Assurance is Inadequate as to Tailing Storage Facility Reclamation.** In the studies the NMCC presented to the NMED, they continue the assumption that mine operation is 11 years. Following this logically they then say about the TSF reclamation that it will be completed in "year 39." This is contradicted by both the history of the mine and the history of copper prices that would affect the mine which would strongly suggest that they are probably not going to be able to mine for 11 years continuously. NMCC projects that it needs \$3.00 per pound copper prices to make their needed 20% profit. In the last 120 years the average copper price has been \$2.50 /lb. in contemporary dollars. There's never been 11 straight years of over \$3.00 /lb. prices. So the chances are slight that we will see the TSF covered up in 39 years. If the mine takes 20 years to get the copper out, it will be 47 years that those of us who live or own property nearby, as is the case with this commentator, live with the threat of the TSF hanging over the whole Rio Grande valley. In fact, if some blip happens in Themac/NMCC's finances and the company goes bankrupt or if the company just shuts down after taking out the copper, are we left with a permanent contamination issue? After all, Themac/NMCC owns no other property--are they going to stay intact just to reclaim the tailings pond? So, the arrangements for a surety bond are crucial, and that is not yet in place but still being negotiated.

MMD should not grant a Operating Permit until the public gets a look at how we are to be protected.

- 10. The Plan for the Tailing Storage Facility (TSF) is Contradictory and Inadequate and Would Result in Groundwater Contamination.** The Discharge Permit Draft states that the TSF will be reclaimed after operation by 6 years of “active evaporation” and then 21 years of “passive evaporation,” and then covered up and seeded. During the first period, the “under-drain” (which is not an under drain) system is draining the TSF to a pond on the downstream side of the dam (i.e., near the highway) from where the water is pumped back up to the TSF. This is just a continuation of what has been happening during operation, that is, water seeps through the accumulated sediments of the tailings, goes into a layer of sand which has perforated pipes in it to collect and carry the water out under the dam to the drainage pond. It’s analogous to a big “French drain.” When the drainage stops after 5 or 6 years, NMCC’s plan is to turn off the electricity and sell the pumps and go into the “passive” phase, which only means that the muck in the TSF is left to dry on its own, for 20 years or so before they cover it with dirt and seed it. During the passive phase, the drainage pond will be replaced by a larger evaporation pond (which seems to suggest that water will still be seeping out the bottom of the tailings pond). This plan is unacceptable as it allows seepage in the “passive” phase that could contaminate groundwater.
- 11. The NMCC Copper Flat Mine operation poses a hazard to NM 152 and motorists.** Expert opinion and the advice of former state highway department employees have concurred in the view that the substrate of NM 152 is inadequate not only in its present state to carry the loads that would be imposed on it by an active copper mine at the Copper Flat site, but cannot be made adequate for the purpose within the currently proposed financial assurance planning of either NMCC, Sierra County or the state. The road will be subject to gradual and expensive deterioration, requiring frequent substrate repair and resurfacing, and even sudden buckling, the latter of which is potentially life threatening.

Please give these comments your full consideration and incorporate them into the record.

Respectfully submitted,  
Charles P. Barrett



## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 8:35 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Letter of Support  
**Attachments:** July 25.docx

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**From:** McQueen, Ken, EMNRD  
**Sent:** Thursday, July 26, 2018 5:35 PM  
**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>  
**Subject:** FW: Letter of Support

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**From:** Serina Bartoo <[sbartoo@sierraco.org](mailto:sbartoo@sierraco.org)>  
**Sent:** Thursday, July 26, 2018 10:51 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** Letter of Support

Hello,

Attached please find my letter of support for the Copper Flat Mine public hearing, scheduled for August. Thank you.

*Serina Bartoo*

Executive Assistant  
County of Sierra  
855 Van Patten  
T or C, NM 87901  
Phone: 575-894-6215  
Fax: 575-894-9548

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July 25, 2018

Hello, my name is Serina Bartoo. I am a lifelong resident of Sierra County and corresponding to voice my support for the Copper Flat Mine. I understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. I respectfully ask you to maintain this date and not delay this opportunity for our County. I support the Copper Flat Mine and I am looking forward to our community sharing the mines success. Thank you for your time and consideration.

Sincerely,

*Serina Bartoo*

Serina Bartoo  
Lifelong Resident of Sierra County

**Ennis, David, EMNRD**

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, October 18, 2018 10:41 AM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: [EXT] Copper Flat Mine Project New Mine Operations and Reclamation Permit  
**Attachments:** 18.10.18 MMD New Mine Permit Public Comments\_J Bokich.pdf

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**From:** John Bokich <[jbokich@gmail.com](mailto:jbokich@gmail.com)>  
**Sent:** Thursday, October 18, 2018 8:53 AM  
**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>  
**Subject:** [EXT] Copper Flat Mine Project New Mine Operations and Reclamation Permit

My comments attached.



John Bokich  
Elephant Butte, New Mexico  
Cell: 575-740-2840  
[jbokich@gmail.com](mailto:jbokich@gmail.com)

***Sierra Electric Cooperative, Inc.***

PO Box 290  
210 Butte Blvd.  
Elephant Butte, NM 87935  
Ph. 575-744-5231  
Cell: 575-740-2840  
[jbokich@gmail.com](mailto:jbokich@gmail.com)  
*John C. Bokich*  
Board President

18 October 2018

Mr. Fernando Martinez  
Division Director  
NM Mining and Minerals Division  
Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

*Via email*

Re: New Mining Operation Permit, SI027RN Copper Flat Mine, Sierra County, NM

Dear Director Martinez,

Attached is my Public Comment for the New Mining Operation Permit, SI027RN, Copper Flat Mine in Sierra County, NM. I had hoped to give my comment during the upcoming Permit Hearing, but unfortunately, I had a previously booked commitment for the entire week, so will not be able to attend in person.

This project is VERY important to Sierra County and the Membership of the Sierra Electric Cooperative, and we urge you to process and approve this permit with the greatest urgency.

My comments are as follows:

My name is John Bokich, and I am the President of the Board of Trustees for Sierra Electric Cooperative. My background includes:

- Bachelor of Science and Master of Science degrees in Biological/Ecological Sciences from the University of Texas at El Paso
- Certified Wildlife Biologist
- Licensed Contractor in NM
- Certified MSHA Safety Instructor
- Certified Auditor, International Cyanide Management Institute
- 36 years experience as an Environmental Professional in the Mining Industry
- 8 awards for Excellence in Reclamation, including one in British Columbia and one in New Zealand. Six in New Mexico.

Sierra Electric Cooperative was established in 1941, and we are now in our 77<sup>th</sup> year of serving Sierra County. We have about 3,200 members, however that number has been steadily shrinking over the past 20 years. The challenges of an Electric Coop in Southern Rural New Mexico are many. A declining

Membership with declining population in Sierra County. One of the poorest Counties in New Mexico with a stagnate to declining economy and little Industrial electrical load. We have an aging infrastructure with constant need for replacement and upgrading. We also have:

- Nearly 900 miles of power lines (3 lines - ~3,000 miles of wire)
- ~14,000 Wood Power Poles
- Approximately 3,300 Transformers
- Approximately 600 Regulators, Capacitors, Sectionalizing Devices, etc.
- 2 Substations (Cuchillo (1977): 10 MVA / Caballo (2005): 5 MVA)
- A fleet of specialized vehicles, equipment and Safety gear

We are primarily a Residential Customer Based Cooperative. This is the most difficult type of Customer Base for sustaining infrastructure and service without continually needing to increase rates to Members. We also have difficulty finding skilled workers, rely on hiring bright locals and providing professional training and then trying to retain them problem with being in an economically challenged County is that we can't pay as much as other Coops with better economies.

Electric Coop's, like mining operators, rely on professionals to design and construct our infrastructure. Sierra Electric has ongoing requirements to upgrade and replace our aging infrastructure as described above. We rely on professionals for design and large project construction, and once construction is complete, our own highly trained and specialized Linemen and Support Crews monitor and maintain the system, and conduct Maintenance and New small scale Construction Projects.

NMCC has done the same with design of their mine operations and reclamation plans. Designed by Professionals, with extensive experience in such operations. These Professionals rely on their designs and constructed facilities working to protect the environment in order to stay in business.....as will NMCC!

Sierra Electric Cooperative is a Working Example of how when good opportunity for good employment is available in Sierra County, that our local youth, and talented individuals who may be from other areas and like living in Small Town New Mexico, seek out these jobs, work through intensive and professional Training Programs, and improve themselves and build Careers in Sierra County. This results in Growth to the County, which is what Sierra Electric needs to sustain and improve our service to our Members.

Sierra County, without some economic spark or opportunity, will likely continue to decline. Health Care, education, county and municipal infrastructure will all continue to decline, while crime and illegal drugs continue to increase.

To rely on tourism as our economic engine in Sierra County is a poor substitute for having an Copper Mine. While Tourism is an important component of the future economy of Sierra County, it cannot carry the county on its own, as Sierra County's economy demonstrates.

- Tourism jobs tend to be Seasonal, Temporary, with little to no Benefits, while Copper Flat jobs will be full-time with Benefits, Training and a future.
- Tourism in Sierra County centers primarily around Elephant Butte Reservoir. Our lake level is currently about 3% full, as low as it has been in has been in about 50 years. A year ago the lake was about 12% full. With inflow in late 2017 and in 2018, the lake was reduced by 9%. If we don't have a large snowpack in 2018/2019, what is going to happen? Will the lake be at 1% full? Or 0% full. How is that going to affect Sierra County's tourist economy?
  - With ever increasing acreage of pecan trees being planted in the Mesilla Valley, a high water-use crop, and desert/riparian lands being converted to cropland, plus the issue of water with Texas and Mexico, will Elephant Butte ever again be a lake that is the engine of tourism in Sierra County?

There has been a lot of misinformation and inaccurate statements made in the past months about what effects the Copper Flat Mine Project will have on Sierra County and New Mexico. Mining is a wonderful and unique industry. It is much like a Family as how employees and families feel like member of a Team. Mining folks work, live and share their lives with Workmates, and establish relationships that last a Lifetime. Mining is an incredibly Complex, Technical and Potentially Dangerous industry.

Mining has and continually upgrades a CULTURE OF SAFETY. Like an Electric Cooperative...SAFETY IS NUMBER ONE! Before you are hired, you will be required to take and pass a Drug and Alcohol Test, and Drug Tests will likely be given randomly through the year, or to any individual that has an accident on the mine that could have, or does result in injury to an employee or equipment. This is to protect our Workforce from someone who might come to or be at work in an impaired state.

New employees will go through 24 hours (3 full workdays) of specific training by an MSHA Certified Instructor. All employees work together in these Training Classes.....Administration such as Receptionist, Accountants, Human Resources are in the same Safety Training Class with Haul-Truck Drivers, Bulldozer Operators, Mechanics and Mill Workers. You will receive full pay for any training that you take for Safety, or that is required by your job.

Every 12 months every employee must have an 8-hour Refresher Class to be Recertified to work at the mine. SAFETY TRAINING, is not the end of your exposure to Safety at a mine. Every day before starting work, you will have a Safety Tailgate Meeting with your Crew to discuss the day's work plan, any special hazards or conditions that should be avoided or repaired, and more time and site-specific information to ensure that all employs are on the same page.

In addition, Task Training will be required before anyone, even an experienced Operator, demonstrating that they know how to Safely operate equipment. Task Training will also be continually offered to inexperienced employees so that they can learn Safe Operating Practices and be available for Promotion. MSHA Safety Training, and the Safety Culture that will be practiced and required at the Copper Flat Mine, like all mines, and this will make you a Safer Person in all aspects of your life. You will take home your Safety knowledge and culture and integrate it into you family life. You will be provided PPE (Personal Protective Equipment), e.g. hard hat, reflective vest, hearing protection, eye protection, etc., by the Company. You will teach your family the importance of using PPE around home for chores, and you will likely prepare and keep a kit in your vehicles for emergencies.....blankets, water, food, tools, etc. You and your family will be prepared!

As stated previously, a mine functions as a Team. Equipment Operators, Admin Staff, Mill Operators, Engineers, Environmental Dept., Safety Dept., etc., will all function together to operate the mine in a Safe and Planned way. The Mine Team will consist of:

- Admin Staff..... Receptionist, Accountants, HR, etc.
- Operations....Equipment Operators, Mill workers, Road and Infrastructure Maintenance, Blast Hole Drillers, Blasters, etc.
- Operations Support....Environmental/Reclamation, Drainage Control, Mine Geology, Surveying, Grade Control, Warehouse, Equipment Maintenance (Heavy Equipment), Mill Maintenance, etc.
- Management....General Manager, Dept. Heads, etc.
- The Mine Team is made up of women, men, Hispanics, Blacks, Native Americans, Asian and any other persons legally able to work and live in Sierra County.

I spent 36 years working in the Mining Industry as an Environmental Manager at several mines in New Mexico, Nevada and Overseas. One notable observation that I had in working at large mine sites over the years is that wildlife species are not driven away by mining, but attracted! Game that is hunted learns that a mine permit area is an area of protection, as MSHA does not allow hunting/firearms on mine areas. In addition, many species learn that there are unique habitat opportunities on mine areas. I have noted Rock Wrens actively foraging for insect on recently blasted rock slopes, within minutes of a blast taking place. In addition, active mining areas as well as mine reclamation areas offer diversity to the habitat from surrounding areas, which draws in many species, short and long term.

As an Environmental Professional in Mining, I have seen and been an Active Member of Mine Teams to plan and manage the construction, operation, environmental management, closure and reclamation of several large operations in areas considered much more environmentally sensitive than Sierra County, New Mexico. The Copper Flat Mine Project has been designed with the most advanced and proven technologies known today, and will use the most advanced and proven materials to protect the environment while mining is active, and to reclaim and monitor the land after mining, all the while providing good jobs, training and opportunity to our local youth and working people, and economic stimulus to Sierra County.

I have reviewed the Mine Operations, Closure and Reclamation Plan developed by New Mexico Copper for the Copper Flat Mine Project. As an experienced Environmental Professional with extensive experience in mine operations, closure and reclamation, I believe that this the Plan submitted for the Copper Flat Mine is robust, defensible, comprehensive and will be protective of the environment while providing much needed jobs and economic stimulus to Sierra County.

NMCC has followed the path that federal and state regulation require, they have engaged highly trained, experienced and professional teams to design a comprehensive project that will protect the environment, generate much needed opportunity and economic benefits to Sierra County, and reclaim the land to a condition better than what it is today.

It is time to approve this project and let those in Sierra County that want to work for a living, and want to see their children stay in Sierra County work, and want a county that is economically sustainable to receive what can be achieved if this important project is approved.

Regards,

A handwritten signature in dark ink, appearing to read 'J. Bokich', written in a cursive style.

John C. Bokich  
President, Board of Trustees

**From:** candi Browne <candilight4u@gmail.com>  
**Sent:** Thursday, October 25, 2018 4:07 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Public Comment on NMCC application for a New Mining Operations Permit Copper Flat Mine project  
**Attachments:** 2018 Public Comments to Mining & Mineral Dept.docx

25 October 2018

Please find attached my Public Comments on the New Mexico Copper corporation (THEMAC) application for a New Mining Operations Permit for the Copper Flat Mine project, Animas Mining District, Sierra County, NM

I have lived in Sierra County, NM since 1997, twenty-one years. For 14 years I lived on Animas Creek, a beautiful riparian area filled with ancient trees, a multitude of wildlife, small farms, commercial businesses and individual homes. This area is located to the east and downhill from the proposed site of the Copper Flat Mine.

If the mine goes into operation this whole area will be impacted by a lowered water table.

I have been concerned about the possibility of this mine being opened since I first moved here. My concerns are many and varied and have increased over the years .

I have attended Public Scoping meetings done by the BLM and added comments to their Environmental Impact Statement & the DEIS.

I've read the NMCC MPO that was made available to the public when the BLM EIS process was begun. It had many sections with no information and although requested, I've never been made aware of any new information to fill in these gaps.

BLM's Final-EIS has not been made available to the public, so far.

I have attended every State of New Mexico Public Hearing since they began in 1997 with the Alta Gold Mining company's application for a mining permit when there was a 3 day Public Hearing put on by MMD here in Truth or Consequences. Alta Gold went bankrupt and the permitting process stopped.



Following our awareness locally in 2009 of the purchase of the Copper Flat Mine by NMCC (THEMAC) and with the availability of documents online through the internet, I've done extensive research to understand mining, best mining practices, environmental concerns, water rights and drought conditions in the southwest.

I've read of local farming concerns just downstream. Included are dwindling availability of EBID ditch water from the Rio Grande and well water concerns, as wells are intermittently pumped dry by farmers and pecan orchards.

I've watched Elephant Butte Lake / reservoir go from full capacity in 1997 to 3% right now. With only 62,573 acre feet of water in storage in the reservoir as of Sept. 20, 2018; it is difficult to imagine the OSE granting NMCC the 6000 af/y that they require for mining. It is a portion of the water NMCC would pump from their production wells that normally flows down into the Caballo Lake Reservoir.

In September 2018, I attended the 5 day Public Hearing held by the NMED for the Wastewater Discharge Permit application.

It is impossible to enumerate all of my concerns. I'm sure they will be touched on by other interested and concerned individuals, ranchers, environmental groups, and EBID, who spoke so eloquently at the Sept. Public Hearing about their concerns about the water issues.

Please add these few comments for evaluation. I have come to the conclusion that this Permit should not be allowed or issued to NMCC.

I ask MMD to deny this permit.

Thank you for this opportunity to add public comment. Thank you also for reading my concerns and for your sincere and knowledgeable attention to the details of this permit as MMD makes its decision.

Sincerely-

Candace Browne

PO Box 3642

Truth or Consequences, NM 87901

[candilight4u@gmail.com](mailto:candilight4u@gmail.com)

22 October 2018

From: Candace Browne  
PO Box 3642  
Truth or Consequences, NM 87901  
[candilight4u@gmail.com](mailto:candilight4u@gmail.com)

**To:**

Director, Mining and Minerals Division  
Energy, Minerals and Natural Resources Dept.  
1220 S. St. Francis Drive  
Santa Fe NM 87505  
**Email: EMNRD-MMD.Director@state.nm.us**

**Concerning:**

NM Mining & Minerals Division Mine Operating Permit  
New Mexico Copper Corp (THEMAC) Application for a New Mining Operations Permit  
for the Copper Flat Mine project, Animas Mining District, Sierra County, New Mexico

I am indeed sincerely & seriously concerned about the overwhelming possibility of environmental pollution if this copper mine is allowed to open.  
I want our New Mexico Energy, Minerals and Natural Resources Department, Mining & Minerals Division to be **120%** sure that this mining company has proven, with detailed documentation, beyond any doubt, that they intend to take very possible precaution to protect our Sierra County's fragile desert environment during any current activity, during any set up for mining, during any actual mining operation, during any temporary periods of shut down/closure for any reason (ie. a lowering of copper prices), during any reclamation process and into the future generations after they have completed their intended copper mining operation.

These are some of my Concerns about the possible construction, operation & reclamation & time into our future after the reclamation of the Copper Flat Mine, Sierra County, New Mexico. Please add them for evaluation.

Thank you  
Candace Browne

***Available fresh water amounts to less than one half of one percent of all the water on Earth.***

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**There has never been a metallic sulfide mine that has not polluted water resources where water was present.**

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At least 36 states including New Mexico and Texas expect water shortages by 2013

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To permit an identified acid generating mine means that we are asking *future generations* to take on the responsibility for toxic waste sites that are going to have to be managed for possibly hundreds of years.

Predictions about the success of managing this waste in the long term are, at best, speculative.

These are my findings, my concerns, my reasons and my suggestions.

The New Mexico Copper Corp (THEMAC) Application for a New Mining Operations Permit for the Copper Flat Mine project -Animas Mining District, Sierra County, New Mexico should be denied for all the concerns & reasons listed below:

**General reasons to deny this New Mining Operations Permit Application:  
Other needed permits not yet issued.**

**Permits not yet issued**

The MMD mining permit is the final state requirement for mining and therefore is meant to be a summation of the 20 some different permits the mine must get before mining can begin.

For the Copper Flat Mine at least **two** permits have NOT been issued:

New Mexico Environmental Department (NMED) has not issued the New Mexico Copper Corporation, Copper Flat Mine DISCHARGE PERMIT No. 1840.

New Mexico Office of the State Engineer (OSE) has not issued a *Permit To Use Water*.

**Dam Breach & Flood Routing Analysis Required by the State Engineer**

NM MMD should not approve this NMCC New Mining Operations Permit Application for Copper Flat Mine Project because the Dam Breach & Flood Routing Analysis Required by the State engineer has not been completed.

Reasons:

A dam breach and flood routing analysis will be required by the State Engineer (10.25.11.12 C (1) NMAC) to verify this classification.'

page ES-2 & pg 5: **3.2 Hazard Classification:**

*'Based on the rules and regulations of the NM State Engineer, the Copper Flat TSF would be classified as a large dam having significant hazard potential.'* According to the New Mexico Administrative Code (19.25.12.10 B NMAC)'

*'Dams assigned the **significant hazard potential classification** are those dams where failure or misoperation result in no probable loss of human life, but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in populated areas with significant infrastructure.'*

Page 5: 3.2 Hazard Classification

*'The TSF lies within the Greyback Wash drainage. Inspection of aerial photographs (Google Earth) indicates no human habitations in or adjacent to Greyback Wash between the TSF facility and **Caballo Lake, into which Greyback Wash ultimately discharges.** [Caballo Lake is a reservoir of the Rio Grande River. (My addition)]*

*A dam breach and flood routing analysis will be required by the State Engineer (10.25.11.12 C (1) NMAC) to verify this classification.'*

**Additional reasons to deny this permit:**

**1 Highway**

NM MMD should not approve this NMCC New Mining Operations Permit application for Copper Flat Mine Project, because of the potential rapid deterioration of Highway 152, Highway 26, and Highway 27 that NMCC will use as the route to transport their '*milling concentrate*' in their proposed 25-ton haul trucks with 10- ton trailers attached.

These named highways are not constructed adequately for the NMCC proposed trucking plan.

The present highway construction needs to be determined to see if it is going to be safe and to determine if it will hold up. Any study needs to be included in consideration of the approval of this permit.

When the highways begin to deteriorate and crumble from the over burden of the mining haul-truck traffic the highways will become hazardous for all traffic with more potential for accidents.

**2 Highway**

NM MMD should not approve this NMCC New Mining Operations Permit application for Copper Flat Mine Project, because when there are numerous highway repair needs - with the resultant highway closure and long periods of backed up/ waiting vehicles; this can adversely impact the Tourist enjoyment of these highways or deter Tourists from using these highways. It can adversely affect the economy of Tourism in the nearby towns of Hillsboro, Kingston and Sierra County as a whole. Also it can affect the enjoyment of Sierra County and the highlight of the scenic Highway 152 into the Black Range Mountains and the Gila Wilderness.

A detailed study of this needs to be included in NM MMD's consideration of this New Mining Operations Permit application

A plan to mitigate any adverse impact on Sierra County TOURISM needs to be included in consideration of the possible approval or denial of this permit application.

**3 Highway repair - costs**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because of the potential rapid deterioration of Highway 152, Highway 27, or Highway 26 that they use to transport their '*milling concentrate*' in their proposed 25-ton haul trucks with 10-ton trailers attached.

Because of potential rapid deterioration of any highway used on a daily basis by these heavy trucks, the cost of unusual &/or more frequent repairs to these highways will be placed as a burden upon the local citizens through the use of their tax monies with possible increase in taxes including County or State taxes.

Before this permit is allowed, there needs to be a plan to mitigate any adverse impact on Sierra County or New Mexico State resident's tax base.

#### 4 Highway – Storm

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because of the potential for **accidents** involving the NMCC contracted haul trucks traveling on our local highways during our seasonal high intensity storms with high winds, torrential downpours &/or snowstorms for which we have no snow removal equipment.

With 25-ton haul trucks pulling 10-ton trailers and drivers *directed* to travel during any weather to meet Railroad Schedules, the additional factor of a storm will create a high potential for a highway accident involving a toxic spill.

These trucks will use the highways during inclement weather when they are scheduled to meet a railroad schedule.

There will be no way to over-see the enforcement of DOT Safety Guidelines for these trucks concerning our local Highways.

A detailed study of this with adequate restrictions placed on any trucking during inclement weather needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

#### 5 Trucking safety

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because NMCC will not take adequate responsibility for the safety of the trucking of their 'milling concentrate' which will be traveling our local highways in 25-ton haul trucks pulling 10-ton trailers on a planned schedule of 360 days a year.

Reasons include:

In their Plan of Operation, NMCC simply refers to any responsibility for the hauling of this toxic material by saying

"...contract haulers (i.e., trucking companies) will be responsible for accidents and spills along the transportation routes."

[NMCC Copper Flat Mine – Spill Contingency Plan, Page 1 Facility Information and Emergency Response.]

Copper concentrate is known to be a toxic substance with adverse health affects related to inhalation of copper concentrate *dust* and other concerns.

U.S.

Ingredients Listed on TSCA Inventory      Yes

Hazardous Under Hazard Communication Standard      Yes

CERCLA Section 103 Hazardous Substances      Yes.....Copper .....RQ : 5,000 lbs. (2270

kg.)

[CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight – 24-28%

NMCC needs to be **adequately bonded** for the clean up of any accidental spills on any highway involving the trucking/hauling/transportation of hazardous or toxic materials connected to their business. I suggest NMCC needs to be responsible for all aspects of their business.

A detailed study of **trucking safety of the Copper Concentrate** needs to be included in the NM MMD's consideration of the possible approval or denial of this Mining Permit.

#### 6 Trucking CONTRACTORS

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the lack of information given about the **'contracted trucking companies**

- **their safety record,**
- **their bonding,**
- **their certification,**
- **their training.**

There is no information about Trucking Contractors in the Mining Plan of Operation.

They will be handling large loads of 'milling concentrate' in 25-ton haul trucks with 10-ton trailers attached. They will be traveling our local highways 360 days a year. According to this Plan of Operation, trucking contractors will be responsible for accidents and spills along the transportation routes.

#### 7 Trucking - Hazardous/toxic materials -rapid response

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because there will almost certainly be **accident(s) on the Sierra County highways involving hazardous materials, toxic materials, chemicals, blasting materials, etc.**

#### **REASONS:**

The **adequacy of any rapid response** for handling these **materials given the remote location** of this mine because Highway 152 is the **only** highway access to the Copper Flat Mine location close to Hillsboro.

Highway 27 is very remote, narrow and has frequent ranches close to the highway. It is far from any Fire Protection, has no adequate water supply.

**Copper Concentrate: Environmental Precautions:** The handling, shipment, storage and processing of this material requires appropriate controls and care to prevent spillage or gradual accumulation in the terrestrial and aquatic environments. Spilled mater should be promptly cleaned up.

Procedures for Cleanup: control source of spillage if possible to do so safely.

**Restrict access to the area until completion of clean up.**

Clean up spilled material *immediately*, observing precautions. *Personal Protection* and using methods which will minimize dust generation (e.g. vacuum solids, dampen material and shovel or wet sweep).

Return uncontaminated spilled material to the process if possible.

Place contaminated material in suitable labeled containers for later recovery or disposal.

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

A detailed **Plan for Rapid Response** needs to be included in the NM MMD's consideration of the possible approval or denial of this mining operations permit.

### **8 Highway FIRE + Hazardous materials- travel route**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because added potential fire hazard that will occur from an accident on our local highways involving **hazardous or toxic materials** being trucked to/from the NMCC Copper Flat Mine which is located close to Highway 152. Other routes include Highway 27 and Highway 26.

NM MMD needs to take into consideration the **concentrate haul-truck & supply vehicle travel route** along Highway 152 which goes through BLM public lands and is a remote location in a stretch of arid desert with:

no sources of water,

no major fire department close by

and only small volunteer fire departments miles away.

The same REASONS need to be taken into consideration about the **concentrate haul-truck travel route along Highway 27 & Highway 26.**

### **9 VOLUNTEER FIRE DEPT**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project if NMCC will *depend in any way* on our **local small volunteer fire departments** for a response to any accident involving **hazardous materials** or a fire involving hazardous materials. **The concern is for the personal safety and well-fare of our local volunteer fire fighters.**

## REASONS:

Copper Concentrate: Fire and Explosion Hazards: Concentrate will burn if intensely heated, such as in a fire situation, releasing large volumes of toxic and irritating sulphur dioxide gas (SO<sub>2</sub>).

**Fire Fighting: Fire fighters must be fully trained and wear full protective clothing including an approved, self-contained breathing apparatus which supplies a positive air pressure within a full facepiece mask.**

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes....Copper RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

NMCC must not use the Volunteer Fire Fighters from Hillsboro or Caballo when dealing with hazardous or toxic materials.

## 26 FIRE on highways

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the likely potential for fire:

- caused by accidents during the use of explosives at the mine site,
- & caused by accidents on the highway involving trucking of NMCC hazardous material
- & accident related fire spreading by high winds across open land where there are no roads or roads designed only for 4-wheel drive vehicles

The area where the Copper Flat Mine is located is so remote, and the closest town with an active fully staffed Fire Station is Truth or Consequences which is 25 miles away. The only closer fire protection is provided by volunteers from the two small communities of Hillsboro and Caballo and one fire engine at the mine site.

For the same reasons for Highway 27 and Highway 26.

The loss of vegetation for wildlife and grazing for cattle by fire.

The possible burning of power lines in that area.

The possible burning of remote farms & livestock in that area.

Any people who might be caught in a fire.

A detailed plan for Fire Protection and the **water replenishment of any fire equipment along the highways** used for the **transport of NMCC's hazardous or toxic supplies or product** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.



### **10 TAILINGS IMPOUNDMENT - after monitoring stops**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of what will happen after the monitoring of the 547 acre Tailings Impoundment ends.

Reasons include:

In the NMCC Mining Plan of Operation it is stated that monitoring will last only 12 years after the Project is deemed finished.

There is a significant potential for **Acid Mine Drainage Leakage** from the Tailings Impoundment and other toxic/polluting effects that will **continue into perpetuity.**

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

With no regular monitoring following the reclamation phase of the Copper Flat mine, a leakage or a breach could get into the local ground water and contaminate it with toxins.

With no regular monitoring a **breach** of the Tailings Impoundment & or Dam, which has a significant *hazard potential* classification, would not receive the necessary **Rapid Response** and could cause untold toxic damage to the environment wherever the contents of the Tailings Impoundment discharge to including the surrounding water, soils, air, wildlife, and endangering Highway 152 and any traffic & the lives of people in the vehicles .

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.

### **11 LINER**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the deterioration of the HDPE geomembrane LINER by any chemicals in the fluids that come into contact with the LINER.

Reasons include:

- the cumulative effect of this toxic fluid,
- any increased deterioration due to the **desert summer temperatures**
- and the direct effect of the **high altitude sun** with high temperature on the LINER.
- - **Here are a few highlighted points from The EPA Guide**
  - **See the document for further details:**

- Quoting highlights from the Reference:
- The \*EPA Guide, Chapter 7, Section B,
- Designing and Installing Liners:
- Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles (see attached):
  
- \*EPA Guide page 2: *'If the risk evaluation recommended the use of a single liner, the next step is to determine the type of single liner system most appropriate for the site. Determining which material, or combination of materials, is important for protecting human health and the environment <sup>1</sup>.' Following this is detail on Clay, geosynthetic clay liners & geomembrane liners.*
  
- \*EPA Guide page 10: B. *'Geomembrane or flexible membrane liners are used to contain or prevent waste constituents and leachate from escaping a waste management unit.'*
  
- Geomembrane or Flexible Membrane Liners
  
- \*EPA Guide page 11: What are the thickness recommendations for geomembrane liners? *'Recommended minimum thicknesses ensure that the liner material will withstand the stress of construction and the weight load of the waste, and allow adequate seaming to bind separate geomembrane panels. Reducing the potential for tearing or puncture, through proper construction and quality control, is essential for a geomembrane to perform effectively. '*
  
- 'What issues should be considered in the design of a geomembrane liner? *...determining appropriate material properties and testing to ensure these properties are met, understanding how the liner will interact with the intended waste stream, accounting for all stresses imposed by the design, and ensuring adequate friction.'*
  
- Material Properties & Selection: *' When designing a geomembrane liner, you should examine several properties of the geomembrane material in addition to thickness, including: tensile behavior, tear resistance, puncture resistance, susceptibility to environmental stress cracks, ultraviolet resistance, and carbon black content. '*
- Puncture & tear resistance: *'...subject to tearing during installation due to HIGH WINDS or handling.'*
  
- Susceptibility to environmental stress cracks: *'In surface impoundments ...cracks can also result where the geomembrane liner... .. has greater exposure to atmosphere and temperature changes, such exposure can increase the potential for environmental stress cracking.'*
  
- Ultraviolet resistance: *'...especially in cases where the liner might be exposed to ultraviolet radiation for prolonged periods .....which often occur in surface impoundments.....can cause degradation and cracking. Adding carbon black or other*

*additives....can increase ultraviolet resistance. Backfilling over exposed geomembrane...works to prevent degradation due to ultraviolet radiation.'*

- Pages 11-12: Interactions With Waste '*...**chemical resistance** is a critical consideration. Testing for chemical resistance ... American Society for Testing materials (ASTM) has also adopted standards for testing the chemical compatibility of various geosynthetics, including geomembranes, with leachates from waste management units. ASTM D-5747 provides a standard for testing the chemical compatibility of geomembranes.*'<sup>7</sup>
- Stresses Imposed by Liner Design: '*...include: the differential settlement in foundation soil, strain requirements at the anchor trench,*
- *strain requirements over long, steep side slopes,*
- *stresses resulting from compaction,*
- *and seismic stresses.* '
- Designing for Adequate Friction: '*Adequate friction between the geomembrane liner and the soil subgrade, as well as between any geosynthetic components, is necessary to prevent extensive slippage or sloughing on the slopes of a unit.*' Several points are explored. '*An evaluation of these issues can affect the choice of geomembrane material, polymer type, fabric reinforcement, thickness, and texture necessary to achieve the design requirements.* '
- What issues should be considered in the construction of a geomembrane liner?:  
'*...appropriate shipment and handling procedures,*  
*perform testing prior to construction,*  
*prepare the subgrade,*  
*consider temperature effects,*  
*and account for wind effects*  
*....select a seaming process,*  
*determine a material for and method of backfilling*  
*AND plan for testing during construction.'*
- Pages 12-13: Shipment, Handling, and Site Storage '*You should follow quality assurance and quality control procedures to ensure proper handling of geomembranes.* ' '*...provide for proper storage (on site).'*
- Subgrade Preparation: '*..subgrade material should meet specified grading, moisture content, and density requirements.*' '*see Chapter 3 of EPA's Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities (U.S. EPA, 1993c)*'
- Testing Prior to Construction: '*Before any construction begins, it is recommended that you*
- *test both the geomembrane materials from the manufacturer and the installation procedures. Acceptance and conformance testing is used to evaluate the performance of the manufactured geomembranes.*

- *Constructing test strips can help evaluate how well the intended construction process and quality control procedures will work.’ Details are given with ASTM Methods cited.*
- Page 14: Temperature Effects: *‘Liner material properties can be altered by extreme temperatures.*
- ***High temperatures*** *can cause geomembrane liner surfaces to stick together (blocking).*
- *Low temperature can cause the liner to crack when unrolled or unfolded.*
- *Recommended maximum and minimum allowable sheet temperatures for unrolling/unfolding 50°C (122°F) and 0°C (32°F).’*
- **Wind Effects**: *‘Windy conditions can increase the potential for tearing.....panels can be weighted down with sand bags.’*
- 
- **Seaming Processes**: *‘..a critical step involves field-seaming the separate panels or rolls together. For more information, “Technical Guidance Document: Inspection Techniques for the Fabrication of Geomembrane Field Seams. (U.S. EPA, 1991c).*
- *Consistent quality in fabricating field seams is paramount to liner performance.*
- *Conditions that could affect seaming should be monitored and controlled during installation. Factors influencing seam construction and performance include:*
- *ambient temperature,*
- *relative humidity,*
- *wind uplift,*
- *changes in geomembrane temperature,*
- *subsurface water content,*
- *type of supporting surface used,*
- *skill of the seaming crew,*
- *quality and consistency of chemical or welding materials,*
- *preparation of liner surfaces to be joined,*
- *moisture at the seam interface,*
- *and cleanliness of the seam interface.’*
- [No time for a coffee break !]
- *‘To help control some of these factors,*
- *no more than the amount of sheeting that can be used during a shift or a work day should be deployed at one time.*
- *To prevent erosion, ambient temperature increase caused by carbon black, the subgrade should not be wet, etc. ‘*
- ***‘Regardless of how well a geomembrane liner is designed, its ability to meet performance standards depends on proper quality assurance and quality control during installation.’***
- Page 15: Protection and Backfilling: *‘For soil covers, three considerations determine the amount of slack to be placed in the underlying geomembrane*
- *.....appropriate type of soil,*
- *using proper type of equipment,*
- *establishing a placement procedure for the soil.*

- ‘... prevent wrinkling ....vehicles do not drive directly on the liner, ...prevent damage caused by covering the liner with too much (page 16)soil too quickly.
- ‘Preventing premature liner failure can be faster and more cost-effective than having to repair a damaged liner.’
- Page 16: Testing During Construction:
- *Testing during construction enables assessment of the integrity of the seams connection the geomembrane panels. ....categorized as either destructive or nondestructive.’*
- *‘For increased quality assurance, it is recommended that peel and shear tests on samples from the installed geomembrane be PERFORMED BY AN INDEPENDENT LABORATORY.’*
- See many additional details in the document.
- *‘If test results for the seam or sheet samples do not meet the acceptance criteria for the destructive tests, you should continue testing the area surrounding the rejected sample to determine the limits of the low quality seam....then corrective measures...and retesting.’*
- *Nondestructive Testing* is done differently – see the document for details.
- Page 23 - IV Double Liners (Primary and Secondary Lined Systems) For details see the report.
- Page 24 – V Leachate Collection and Leak Detection Systems For details see the report.

My comment about the above issues highlighted from the EPA Guide is that the November 2015 DEIS, which is one main document I have to work from to know what to research, is woefully incomplete and inadequate without a detailed CQA Plan included in the Wastewater Permit application, so that the EPA considerations will be covered & the CQA Plan can be evaluated by NM MMD and all the other Departments involved, plus the public before the PERMIT application goes forward.

These problems could occur AFTER THE MINE RECLAMATION IS FINISHED and NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

#### **11 A HDPE GEOMEMBRANE LINER - LONG TERM effect**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the long term deleterious effects of the HDPE Liner.

Reasons include:

How will this 547 acres piece of HDPE geomembrane **affect the environment over its life span of hundreds of years.**

What may happen as it **deteriorates?**

Is it known if the material itself will pollute the soil or cause other harmful effects?

The life span of this particular liner – HDPE geomembrane is not given in the MPO.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

### **12 A HDPE LINER SEAMS**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the tailings impoundment HDPE geomembrane *liner sections* are joined together the seams may not **hold** and over time they may crack or buckle or slip or break and there can be leakage of acid mine tailings drainage that can harm our environment by polluting the surrounding ground, water, soil, vegetation, wildlife, etc.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

### **24 HDPE GEOMEMBRANE LINER**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of lack of information on the adequacy of the HDPE geomembrane liner that they plan to use under the 547 acre tailings impoundment.

Reasons include:

First there is no information given in their Mining Plan of Operation about the liner itself. HDPE GEOMEMBRANE LINERS are known to frequently fail.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

It's such a new technology and many geotechnical and civil engineers, regulators, and general contractors may not be thoroughly familiar with the performance characteristics of viscoelastic engineering polymer products.

Ultimately the reason for concern is toxic AMD (acid mine drainage) leaking from the liner &/or a break or failure that could contaminate and endanger areas of land, air, water, wildlife, humans, ranchers, agriculture, etc. as detailed in other of my concerns.

Detailed information on the HDPE geomembrane that NMCC plans to use needs to be included in NM MMD's consideration of this mining permit application.

Information on any HDPE GEOMEMBRANE LINER that NMCC plans to use needs to include detailed information on each of these aspects:

- highest quality design co-ordinated with the manufacturing & the installation, etc.
- highest quality specifications of the materials (resin) for this particular tailings impoundment use, climate, etc. A project specification document specific to the Copper Flat Project
- highest quality manufacture of the liner
- highest quality installation without damage
- highest quality effective seaming and trial seaming

[about 19% of leaks occur at seams]

- highest quality filling or covering the liner for initial operation without damage  
[ over 70% of leaks occur when the liner is covered by soil or stone, therefore covering is a critical stage for a geomembrane]
- highest quality proper preparation of the ground &/or surface upon which the liner will be placed.
- continual testing of the highest quality in each of these areas done by an independent contractor reporting to appropriate New Mexico State Agencies responsible for this area of the Copper Flat Project oversight.

A plan for a quality independent company, chosen by NM MMD, paid for by NMCC and reporting to the appropriate New Mexico State Agencies responsible for this area of the Copper Flat Project oversight be required with this independent company monitoring every aspect of the liner from its manufacturing to each detail of its installation, seaming, covering and ongoing integrity oversight.

#### **12 B HDPE geomembrane LINER - Existing Wells**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because as the Tailings Impoundment is enlarged in size (to the east) and goes into areas where there are existing wells drilled into the ground water;

So that in the event of any leakage of acid mine tailings under the liner this contaminated fluid may migrate into these well casings and get into the ground water polluting it.

There is no plan included showing how this will be prevented and within the MPO the statement is made that the well casings will be removed "*if possible*", which indicates that it may NOT be possible.

An accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

#### **12 C TAILINGS LINER- BREACH/BREAK - Greyback Arroyo**

NM MMD should not approve this NMCC mining operations permit for Copper Flat Mine Project because there may be a **breach or break** in the Tailings Impoundment dam or the HDPE geomembrane liner that would carry toxic contents (AMD) & the tailings into the Greyback Wash/Arroyo.

This could cause immense damage to the environment.

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."

- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.

There is a potential for toxic contents to spill onto **Highway 152** which the Greyback Arroyo crosses close to the mine site area.

Our national **BLM lands** that the Greyback Arroyo goes through could be damages from toxic acid mine drainage that could occur on these lands if there is an impoundment dam or liner breach or break.

The **cattle** that graze on the BLM land which include area of the Greyback Arroyo could be harmed which would adversely affect the **Ranchers**.

A spill into Greyback Arroyo could also make the land there toxic for any growth of edible plants. **Wildlife and cattle or other ranch stock** could be adversely affected by eating this tainted vegetation.

Any **tailings** that might settle into depressions and remain in the Greyback Arroyo could become **areas/pools of polluted water** following any subsequent rainfalls.

This tainted/toxic water could be harmful to wildlife and cattle. The effect of this could go on for hundreds of years.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED** and NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

NM MMD needs to consider a plan to have **the complete area of the Greyback Arroyo fenced by NMCC to prevent grazing cattle and other domestic livestock from being injured** in the event of a tailings impoundment breach that could cause the contents of the impoundment to run down the Arroyo. This would be a fence that would be paid for by NMCC and remain after NMCC finishes its mining Project to protect cattle since the tailings impoundment will be a source of concern for eons.

Fences seldom stop wildlife.

There is no plan in the DEIS to minimize any breach of the tailings impoundment.



## **12 E TAILINGS LINER- BREACH/BREAK - Electricity**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because there may be **a breach or break** in the **Tailings Impoundment dam or liner** that would carry toxic contents (acid mine drainage) into the area outside of the confines of the tailings impoundment.

Reasons include:

The tailings impoundment is normally is constantly being pumped out so that the impoundment liquid can be recycled and re-used in the milling operation and saturated tailings are constantly being added to the tailings pile adding more liquid.

If an electrical outage goes out for some extended period of time and a rainstorm drops large amounts of rain onto the 547 acre impoundment and the tailings are at the same time draining down, then all of this liquid will be going into the impoundment 'catchment pond' while no liquid will be removed because the pump will not be functional if it is powered by electricity.

If the catchment pond is overwhelmed this may cause it to overflow or cause a breach.

**A breach or break** would cause the damage to the environment, wildlife, plants &/or domestic cattle.

There is no Contingency Plan for the possible event of a long outage of electricity.

In our locality electrical outages are likely to occur during seasonal summer lightening storms with or without accompanying heavy rainstorm.

The electrical lines that come up from the power plant booster station located close to I-25 are the tall objects along their 7-8 mile path and therefore are prime targets for lightening hits.

## **12 F Pit Wall or TAILINGS LINER- BREACH/BREAK Acid Rock Drainage**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because there may be **a breach or break** in the **Tailings Impoundment dam or liner or leakage through the pit walls** that would carry toxic contents (AMD) into the area outside of the confines of the mine & into ground or surface waters & the general environment.

Reasons include:

- When sulfide ore, waste rock, pit walls or the tailings are exposed to air and moisture, a chemical reaction can create sulfuric acid. (Iron ores are in oxide, not sulfide, formations.)
- Precipitation water can cause sulfuric acid compounds to drain from the mine site -- called acid mine drainage (AMD, sometimes called acid rock drainage or ARD).

- *AMD can enter nearby surface water and groundwater resources and thereby harm people, plants, animals, metal and concrete structures.*
- There has never been a metallic sulfide mine that has not polluted water resources where water was present.
- AMD also dissolves toxic heavy metals (e.g. lead, zinc, copper, and mercury), allowing them to enter surface water and groundwater.
- AMD can form red, orange or yellow sediments in the bottom of streams, which can disrupt the growth and reproduction of animals on which they feed.
- AMD is very difficult to confine and treat (clean up) properly. It can be very expensive to clean up and has costly impacts on local communities.
- It may take several years before AMD reaches toxic levels, and water contamination can then last for centuries, or even millennia.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED and NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

Historical mining disasters in New Mexico, such as the tailings impoundment breach at Church Rock in 1979 by the town of Grant, NM must be taken into consideration.

### **13 Social and Economic Consequences**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of all the ways that allowing this Project to go forward may bring **economic hardship** to people in Sierra County and neighboring communities.

In the 1999 Preliminary Final EIS done on Copper Flat for Alta Gold, it shows only that it deals with water and economic impact as separate issues. Ground water will be fine because water levels will return in 140 years. Economic impact is positive since the mine brings jobs (for a few short years). These two issues must be brought into a combined consideration to show the cumulative effects.

Since the water level will be depressed for 140 years, the economic development that depends on that water is also depressed for 140 years. NM MMD must determine and consider what the effects of 140 years of economic depression will be socially and economically in Sierra County?

This is only one example of cumulative effects that need to be taken into consideration.

### **13 A DROUGHT - Economic hardship**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the ways that allowing this Project to go forward may bring **economic hardship** to people in Sierra County, neighboring communities and states.

Reasons include:

Scientific data shows the current drought is affecting 14 states in the south and southwest including New Mexico and Texas.

The large amount of water that the Copper Flat Mine Project will use during its projected 11-17 years (or longer if they stop mining because the price of copper goes down) of milling and other water uses.

The way the use of this quantity of water will affect the aquifers because studies have already shown that they will be affected for 100 - 140 years.

The use of this quantity of water, in this locality in an already arid climate,

- with agricultural businesses (peppers, onions, corn, cotton, hay, pecan orchards etc.) already stressed and depending on pumping ground water
- our requirements of Treaties and Commitments to downstream entities (Texas & Mexico) for assurances of quantities of water
- and our existing Tourism business Elephant Butte Lake State Park, Caballo State Park, Percha Dam State Park, etc
- grazing/ranching, depending on water
- and a serious drought stressing all of these
- The whole infrastructure of our area is going to be increasingly stressed in a cumulative way by this drought

NM MMD must take into consideration prior obligation, water treaties and commitments, already established businesses, current landholders and families dependent on the water supply.

It needs to be taken into consideration that historically, in times of drought changes in life-style must be brought under advisement. Sierra County needs to choose new businesses that will dovetail in with what already is working to advantage in Sierra County. Businesses that will advocate and strive to fit into our unique climate and the low water use **needs** of the desert particularly during a projected foreseeable drought.

Water in this locality of New Mexico is dependent in a large part on the water of the Rio Grande. What goes on with upstream supply & uses as well as commitments to downstream users must be taken into consideration when any decision is made about a **new business that will use large quantities of water**. This is not happening with the consideration of the projected Copper Flat Project.

As we go into a possible extended period of drought or our down stream neighbors, Texas and Mexico, are affected by what is termed '*the mega-drought in Texas*', NM MMD must be responsible in its consideration of their needs. Knowing the possible near future increased needs for the limited supply of water that New Mexico now has, NM MMD must make careful informed decisions about how everyone upstream and downstream will utilize our dwindling water supply. Our climate is changing. NM MMD must change with it or suffer the consequences.

At least 36 states including New Mexico and Texas expect water shortages by 2013.

When the mining industry argues that new mining development is 'essential' to our way of life, it tends to understate the fact that we could and should achieve many of our metals needs through better re-use and recycling of existing metal products.

### **13 B Economic Hardship – loss of Tourism**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the ways that allowing this project to go forward may bring **economic hardship** to people in Sierra County, neighboring communities and states.

#### **Reasons include:**

Sierra County economically is already based on a complex structure. Historically Tourism is a major economic base. That's the reason Truth or Consequences took up this name...to draw in tourists. The draw for tourists is the a unique local environment including

- clean air
- warm winter temperatures
- healing hot springs
- hiking & biking opportunities
- enjoyment of water related activities at the local reservoirs
- alternative healing modalities
- the star filled clear night sky
- scenic highways
- peace
- relaxation and refreshment of the mind and body through engaging in enjoyable activities

It needs to be taken into consideration that a locality can support only so many businesses and still maintain a long term social and economic health.

#### ***Which businesses will have to die to allow the Copper Flat Project to go forward?***

Are the men and women of Sierra County who have been voted into office to take on the responsibility of offering advice to its citizens on the economic growth truly knowledgeable in the complexity of this decision concerning the Copper Flat Project?

One reason they give for wanting this project is for jobs for the young people of Sierra County. I suggest that using the young people as a '*reason*' puts a terrible burden on these youngsters to work at the mine. Have these young people been asked? Do they want to limit their career opportunities to mining?

As an alternative it can be taken into consideration that there is a growing population reaching retirement age. This population is a new kind of retiree with more focus on healthy outdoor activities walking, hiking, biking, water sports, boating, fishing, camping, etc. Often they are looking for a retirement-focused-community with a pleasant atmosphere and milder temperatures. If a desirable community considers the needs and desires of this population it can benefit from an influx of residents of retirement age.

There is a **lack of foresight** in allowing a plan for this mining that will use this quantity of water. NM MMD must strive to envision possible future problems or obstacles.

#### **14 BLASTING**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the **blasting** that will be done **inside the 'pit' or anywhere within the boundaries of this Project.**

##### **Reasons:**

This may affect any underground **'faults' connected to underground water** in the immediate area. Shifting of faults may cause toxic seepage into groundwater meant for human consumption, stock watering &/or agricultural use.

Change in the underground hydrology may not be *discovered until too late* and cause irreparable harm to the groundwater.

An occurrence of this type might not be discovered until **AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

#### **15 WASTE ROCK- run-off**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the damage that will be done to the environment by any **toxic run-off** coming from the **waste rock disposal areas** containing partially oxidized and unoxidized material &/or **low-grade ore stockpiles.**

Reasons include:

Our local summer storm pattern of sudden intense rainfall including:

- how quickly ditches fill and overflow during these storms
- and how powerful the rushing raging water can be and how often this onslaught of water breaks through ditches that are man-made.
- 
- How large these disposal areas and stockpile areas will be.
- 

In the MPO, Page 3-6, 3.2.2 Waste Rock Disposal Area and Low-Grade Stockpile, NMCC says "These disposal areas would be expanded under the current MPO to cover approximately **210 acres** (Appendix B).

After the close of the mine the MPO states that there would be approximately 37 million tons of waste rock and 19 tons of low-grade ore.

The quantity of rainwater during a major summer rainstorm landing on this large acreage is likely to carry toxic fluid from the wasterock area and eventually seep into ground water.

The high winds that are more and more prevalent in our area and the **dust** that can contaminate our air from this ore wasterock sitting out in the open.

Any accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

## **16 DUST - HIGH WINDS**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the **high winds** that occur in our area that will occur in the Copper Flat area potentially creating **dust storms from the toxic contents of the tailings impoundment &/or other toxic dust or fumes generated at the site.**

There is a potential for:

- **health issues** from the toxins in the dust
- and **highway safety** from poor visibility caused by blowing dust.

Copper Concentrate (creating toxic dust)

U.S.

Ingredients Listed on TSCA Inventory    Yes

Hazardous Under Hazard Communication Standard    Yes

CERCLA Section 103 Hazardous Substances    Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

- Another issue of dust is **highway closure** with long waiting periods that can adversely impact
- the **Tourist traffic**
  - and **adversely affect the economy of Tourism** in the nearby towns of Hillsboro, Kingston and Sierra County as a whole.

Dust related highway closure can also affect

- the enjoyment of Sierra County
- and the highlight of the scenic road into the Black Range Mountains.

## **19 PRODUCTION WELLS**

*Available fresh water amounts to less than one half of one percent of all the water on Earth.*

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the **pumping of the 4 main Production Wells** located in Sections 30 and 31, T15 South, Range 5 West will **adversely affect water supply used for farming and agriculture** in Sierra County.

**And/Or the use of this water for the purpose of mining, milling, etc. will adversely affect water supply in any way.**

Reasons include:

- Water is a public trust to be guarded at all levels of government
- An adequate supply of clean water is a basic human right
- Water must be conserved for all time
- Water belongs to the earth and all species
- 

I am finding in my research and my communication with various government agencies that the laws to protect our water resources, wildlife, etc may be '*on the books*', but the implementation and enforcement of these laws is lacking in foresight.

Article 22, Section 21 of the Constitution of the State of New Mexico says,

"The protection of the state's beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety, and general welfare. The legislature shall provide for control of pollution and control of despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people."

### **20 HAZARDOUS or TOXIC MATERIALS**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the **NMCC Spill Contingency PLAN** to handle any **spillage of hazardous or toxic materials is inadequate.**

There is no detailed plan for the storage and handling of their Copper Concentrate.

Reasons include:

Copper concentrate

U.S.

Ingredients Listed on TSCA Inventory     Yes

Hazardous Under Hazard Communication Standard     Yes

CERCLA Section 103 Hazardous Substances     Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

Copper Concentrate Handling and Storage: Store in a dry, well ventilated area away from sources of combustion, acids and strong oxidizers. Some sulphide concentrates may slowly oxidize in storage and generate sulphur dioxide as well as deplete the oxygen content of a confined space. The atmosphere within confined spaces containing concentrate must be tested before entry and the area thoroughly ventilated or self-contained breathing apparatus used, if conditions warrant.

Some sulphide concentrates may also oxidize and generate heat which accumulates in storage piles. If material is to be stored for an extended period, the temperature of storage piles should be monitored.

*Minimize* dust generation and accumulation.

May be ignited by open flames or other high temperature.

Ventilation: Use adequate local or general ventilation to maintain the concentration of copper concentrate dust in the working environment well below recommended occupational exposure limits.

*\*\*\*Supply sufficient replacement air to make up for air removed by the exhaust system.*

**Additional Reasons:**

*\*\*\*The copper concentrate dust removed from the work area by the exhaust system. How is this contained/handled/removed from the exhausted air?*

**HAZARDOUS DECOMPOSITION PRODUCTS:**

- Many sulphides react violently and explosively with powerful oxidizers, at the same time releasing large volumes of highly irritating and toxic SO<sub>2</sub>.
- May release highly toxic and flammable hydrogen sulphide (H<sub>2</sub>S) gas on contact with strong acids.
- High temperature operations such as oxy-acetylene cutting, electric arc welding, or arc-air gouging may generate toxic copper fumes and sulphur dioxide. The fumes will contain copper oxides, which, on inhalation in sufficient quantity can produce metal fume fever.
- This material contains approximately 0.006% (60 ppm) mercury. Mercury vapour may be released during high temperature processing and re-condense on cooler surfaces.
- It also contains approximately 0.035% arsenic.
- Under reducing condition (i.e. any strong acid or base plus an active metal such as metallic zinc) or in the presence of freshly formed hydrogen, traces of highly toxic ARSINE gas might be evolved.

**EXPOSURE CONTROLS / PERSONAL PROTECTION**

- Protective Clothing: coveralls or other work clothing, safety glasses, and gloves are recommended to prevent prolonged or repeated direct skin contact.
- Close-fitting safety goggles may be required to prevent eye contact if excessive dust is generated.
- 
- Avoid breathing dust.
- *\*Workers should wash immediately when skin becomes heavily contaminated as well as at the end of each work shift.*
- *\*Remove contaminated clothing and wash before reuse.*

This brings up an **additional Reason** for **water pollution** because showering or laundry will put the copper concentrate dust into the waste water system! This Project is proposed to last for 11-17 years. This is potentially a great amount of dust.

**The cumulative copper concentrate dust in laundry &/or personal hygiene measures.**

Also the Additional **REASON** for any **truck washing** if the truck has been carrying any copper concentrate.



Ecological Information: Copper concentrate is insoluble in water and its metals content has low direct bioavailability. *HOWEVER*, its processing or extended exposure in the aquatic and terrestrial environments can lead to the release of contained metals in bioavailable forms. *These can cause detrimental environmental effects.* The mobility of the contained metals in soluble forms is media dependent. They can bind with inorganic and organic ligands, reducing their mobility and bioavailability in soil and water. Bioavailability is also controlled by other factors such as pH and hardness in the aquatic environment.

Any employees dealing with the copper concentrate whose clothing or skin may be contaminated be required to change clothing & shower before leaving the site.

Any employees dust contaminated clothing:

- be washed at the Copper Flat Mine Project site
- 
- and all waste water from the laundry facility or shower facility be required to be checked for cumulative contamination.
- 
- Contaminated water be required to be treated and reclaimed to a safe standard before being released into any waste-water area.

Any TRUCKS or CONTAINERS that have been carrying any copper concentrate that are to be washed

- be required to be washed at the Copper Flat Mine Site
- in a specially contained area
- and any contaminated water be required to be treated and reclaimed to a safe standard before being released into any waste-water area.
- 

## **20A SPILL OF HAZARDOUS or TOXIC MATERIAL - long Chain of Command**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the **NMCC Spill Contingency PLAN** to handle any **spillage of hazardous or toxic materials** is **flawed** by the long list of people in their Chain of Command who may need to be contacted in the event that the first people in the chain of command are not available. This may lead to unnecessary delay in safely handling any hazardous spill.

NMCC Copper Flat Mine- Spill Contingency Plan, Page 1, Page 3, page 4

Whoever discovers the spill –tries to control it, then contacts

Supervisor if not available then contacts

Loss Control Dept if not available then contacts

EM if not available then contacts

Loss Control Leader if not available then contacts

General Manager if not available then contacts

Maintenance Superintendent if not available then contacts

Production Superintendent if not available then contacts

Security who contacts any on the list not at the facility, but may be at home or wherever  
if not available then contacts

Security then contacts "others"

### **21 SPILL PLAN - page 1**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the NMCC Copper Flat Mine- **Spill Contingency Plan is not adequate** because within their statement (Page 1) it says:

"The Environmental Manager (EM) has primary responsibility for implementing the Contingency Plan. *The EM or his/her designee will be present at the facility during normal working hours.*"

NMCC does not address the fact that the Mine will be running 24 hours a day / 7 days a week / 360 days a year.

A normal shift is 8 hours, 5 days a week.

This Plan leaves the facility with only a *designee* on site to Be In Charge of handling any *hazardous material spills* for the **majority** of the shifts that the facility will be in operation.

This can cause an **inadequate or improper response** to a spill of hazardous material.

NMCC Copper Flat Mine- Spill Contingency Plan, Page 1

A current, up-to-date, detailed **NMCC Spill Contingency PLAN** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

### **23 SPILL PLAN page 4**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the NMCC Copper Flat Mine- **Spill Contingency Plan is flawed** because with in their statement (Page 4)

"*The EM [Environmental Manager] will notify the appropriate state and federal agencies concerning spills or releases as required. **NO ONE** but the EM or designated representative, or the General Manager **is authorized to call any government agencies concerning spills.** This restriction is needed to ensure that only confirmed, accurate information is provided to the regulatory agencies.*"

*Concern Reasons Include:*

There may be emergency situations where it is the **immediate contact and rapid response of a government Agency team** that is required to handle the spill of hazardous materials.

Reasons to deny the new mine permit include:

Citing competing priorities and lack of funds, EPA has not implemented a 1980 statutory mandate under Superfund (CERCLA) to require businesses handling hazardous substances to demonstrate their ability to pay for potential environmental cleanups – that is, to provide financial assurances.

Because of this inaction, EPA has exposed the Superfund program and U.S. taxpayers to potentially enormous cleanup costs at gold, lead, and other mining sites and at other industrial operations.

A current, up-to-date, detailed **NMCC Spill Contingency PLAN** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

## **25 PIPELINE**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the condition of the pipeline that will be used to carry water from the production wells located in Sections 30 and 31, T15 South, Range 5 West 7-8 miles to the mine site location.

This pipeline has been buried underground and unused for 30 years. I am concerned that this pipeline will leak thus wasting unknown quantities of water.

There is no **Plan for Monitoring this Pipeline for leakage**.

## **26 Data Missing from the NMCC Mining Plan of Operation**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of all the places in the Plan of Operation where data is missing.

Places where instead of data it just says:

- "Pending"
- "will be determined....."
- "will be added as design studies go forward...."
- and other similar statements that are used in place of adequate data, studies, plans, reports, etc concerning the actual Plan of Operation

There is no way to know if what may be added as data, studies, plans, reports, etc concerning the actual Plan of Operation might be a CONCERN and the public, who is supposed to have an opportunity to share concerns during the SCOPING PROCESS & or Public Hearings has NO WAY to voice it's CONCERNS if it does not have a chance to see this information.

**New information added to the currently available NMCC Mining Plan of Operation** needs to be made available to the public with adequate time to study it and adequate time to share CONCERNS with all participating agencies & State and Federal Departments so that any concerns can be included in consideration of the possible approval or denial of any permits.

## **27 PIT LAKE**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because NMCC will **remove the water that is currently in the 'pit lake'** by

- pumping it out **onto the ground**,
- or spraying it into the air for dust control
- or pumping it into the **existing un-lined tailings impoundment**
- or into some **temporary 'holding place'** that will not be adequate to **protect the ground water**.

○

The water in the pit lake *is known to be highly toxic* with high levels of TDS and high sulfate concentrations which have been getting steadily higher. As well as having periods when the pit water shows acidity.

See : The Natural Defenses of Copper Flat Sierra Co, NM, J. Steven Raugust & Virginia T. McLemore

The Plan of how this water will be handled seems vague and unsafe.

If this huge amount of toxic water should accidentally get into the ground water it can contaminate ground water meant for human consumption, stock watering &/or agricultural use.

#### 28 HDPE Liner – CQA & CQC

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because in the NMCC Mining Plan of Operation & the DEIS there are no specifics about the HDPE liner they will be using.

#### Concern Reasons:

As stated by one company in the geosynthetics industry, *'It is normal practice to completely track all materials from manufacture to final inspection; qualify technicians and welding equipment each day before welding and every 4 hours after that; and to test each and every seam made in the field.'* [Layfield Environmental Containment; [www.layfieldgroup.com](http://www.layfieldgroup.com)]

Within the United States EPA Guide for Industrial Waste, Part IV, Protecting Ground Water, Chapter 7: Section B, Designing and Installing Liners: Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles (EPA Guide); *'Section VI discusses **construction quality assurance and quality control*** Additional references on this will follow.

In the NMCC Mining Plan of Operation & the DEIS there are:

No specifics about exactly which **resin** will be used

nor any detailed information about testing of the geomembrane rolls for defects, manufacturing requirements,

installation requirements,

qualification of the Company hired to do the manufacturing nor the installation,

no detailed plan for ground preparation

no detailed plan for installation over the gradual increase of the footprint of the TSF over the years the mine is producing tailings.

ETC.

#### Reasons:

If Golder Associates does not handle HDPE geomembrane liner manufacture, installation, seaming, CQA, or repairs, then perhaps there is no information within the NMCC Mining Plan of Operation giving information on this vital issue. This too seems **inadequate information** to provide the needed detailed information for the NM MMD to make an informed decision about the new mine permit application.

### 29 TSF Area Expansion

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the Tailings Storage Facility will be expanded into an area that has not been studied.

Reasons:

Since the TSF will be greatly expanded into an area for which no geotechnical or hydrogeological study has been done and because the ground beneath the current TSF (Quintana) is known to be *permeable* and has been *proven* to be leaking AMD into the ground water for the past 36 years; I believe the NM MMD should NOT approve this new mine permit application.

Within the Golder Associates report, **the existing problem(s) & potential problem(s) at Copper Flat mine are clearly defined in these sections:**

page 3 : *'During the (Quintana), 1981-82 operating period, high concentrations of **total dissolved solids and sulfate** were detected in groundwater immediately downgradient from the existing Quintana (unlined) TSF.*

*Local seepage of contaminated groundwater, which has been attributed to the existence of permeable geologic units in the TSF foundation, allowed process water and tailings seepage to migrate from the (TSF) impoundment.'*

page 1: *'Permeable foundation materials encountered during site investigation and construction of the (Quintana) TSF have been identified as the potential pathway for seepage from the TSF. Meteoric water leaching of tailings from the Quintana operation potentially contributes additional sulfate and dissolved solids to local groundwater. Management of existing tailings to mitigate existing and ongoing groundwater impacts is considered a parallel objective of TSF design.'*

page 2 - **2.2** *'The existing TSF site was extensively explored by Sargent, Hauskins & Beckwith (SHB) in 1979 and 1980 as part of the SHB design effort.*

***No additional field work** was conducted as part of (this- Golder Assoc) conceptual design efforts.'*

*'...the (TSF) facility [for NMCC] will be expanded approximately 1,000 feet to the east.'*

*"Geotechnical investigation (SHB, 1980) of the existing TSF area was extensive, **however, a portion of the new TSF will occupy ground that has not (my emphasis) been evaluated for geotechnical and hydrogeological condition.** A preliminary site investigation plan (my emphasis) is presented in this (Golder Assoc., Inc) conceptual design report."*

All the above information alerts NM MMD, other agencies & the Public to some of the problems at the Copper Flat mine site concerning any future tailings storage facility. It is obvious that any conceptual plans, technical plans and construction quality assurance for a new TSF need to be *scrutinized with great care*.

Wisdom would indicate that to protect the water & all aspects of the environment and for the highest quality all around there needs to be included in the NMCC Mining Plan of Operation & in the New Mining Operation Permit application, a Construction Quality Assurance Plan and a CQC Plan for any HDPE geomembrane liners. This would include a *highly qualified business* that can independently do the necessary testing at each step in the process of any HDPE geomembrane.

For all the above Concerns and Reasons:

Where necessary; NM MMD needs to apply the principle of 'cumulative effects' to the Social and Economic hardship that any of these issues might cause.

NM MMD needs to take into consideration these issues while making their determination this NMCC New Mining Operations Permit application.

I want all of us to be proud of our NM MMD

Thank you for reading my concerns and for your sincere and knowledgeable attention to the details of this PERMIT.

Please make a fully informed and cautious decision.

Candace Browne

Some of the Research documents used to support my Reasons:

**Comparison of Predicted and Actual Water Quality at Hardrock Mines, The reliability of predictions in Environmental Impact Statements** by Ann S. Maest - Buka Environmental, Boulder, CO and James R. Kuipers, Kuipers & Associates, Butte, Montana, 2006, [www.kuipersassoc.com](http://www.kuipersassoc.com) or EARTHWORKS, [www.mineralpolicy.org/earthworks\\_at\\_home.cfm](http://www.mineralpolicy.org/earthworks_at_home.cfm)

**Predicting Water Quality Problems at Hardrock Mines**, A Failure of Science, Oversight, and Good Practice by Alan Septoff, EARTHWORKS, 2006

**Contaminant Loading on the Puerco River [New Mexico], A Historical Overview** by Chris Shuey, Southwest Research and Information Center, Albuquerque, NM, 1992, including among others Uranium Mine Dewatering Effluent Discharges, The July 1979 [Church Rock] Uranium Mill Tailings Spill and Long-term Water Quality Impairments. <http://www.sirc.org/uranium/PUERCO92.html>

**Federal SUPERFUND Program**

Dealing with mining disaster clean up.

**[Http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php](http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php)**

1980 Comprehensive environmental Response, Compensation, and Liability Act (CERCLA), BETTER KNOWN AT THE Superfund Act. This law gives the federal government the authority to respond to chemical emergencies and to clean up uncontrolled or abandoned hazardous waste sites both on private and public lands.

The Superfund Act program addresses both short- and long-term risks, from toxic chemical spills and threats to the permanent cleanup and rehabilitation of abandoned hazardous waste sites.

The Superfund also provides authority for the prosecution of those responsible for the releases of hazardous waste and a trust fund to subsidize cleanup when no responsible party can be identified.

With the expiration of the Superfund tax, EPA must rely on annual appropriations to fund cleanups. These appropriations have been declining and the pace of cleanups has slowed. Further, citing competing priorities and lack of funds, EPA has not implemented a 1980 statutory mandate under Superfund to require businesses handling hazardous substances to demonstrate their ability to pay for potential environmental cleanups – that is, to provide financial assurances.

**Hilpert 1969. Hilpert, L. S. Uranium Resources of Northwestern New Mexico. U.S. Geological Survey**

(Washington, D.C.), Professional Paper 603.

[*Note:* This report and other USGS reports and maps show that uranium mined in the region in the 1950s and 1960s was taken from formations that were, and still are, major sources of ground water. One report said that the ore body of one mine that opened in 1960 was 100 feet below the water table.

**"Summitville Mine". Region 8 - Superfund. U.S. Environmental Protection Agency.** Archived from the original on 2006-10-10.  
<http://web.archive.org/web/20061010032331/http://epa.gov/region8/sf/sites/co/sville.htm>  
Retrieved 2007-01-04.

**Effects of Surface Mining on Ground Water Quality,** Nature of Ground-water pollution by surface mining by Henry Rauch

**HARDROCK MINING IN NEW MEXICO, 2006**

EARTHWORKS 2007, Cathy Carlson and Jonathan Schwartz  
[www.earthworksaction.org](http://www.earthworksaction.org)

Abandoned Mines: The counties with the most abandoned mines are Grant, McKinley and **Sierra.**

The state does not have dedicated funding for cleaning up pollution from abandoned mines. The

New Mexico Abandoned Mine Land Bureau gets funding from the federal Surface Mining Control and Reclamation Act to mitigate only physical hazards at abandoned hardrock mines.

**Las Cruces Backs State Water Rights Lawsuit, KRWG News, 2011-09-26,**

The Las Cruces City Council, on the recommendation of the Las Cruces Utilities Board, today authorized the City to seek intervention on the side of the State of New Mexico in the State's

lawsuit against the U.S. Bureau of Reclamation (BOR) to protect water that lawfully belongs to New Mexico.

The City seeks to compel the BOR to complete a proper and full scale environmental impact statement (EIS) to help ensure that the Mesilla Valley has long-term water sustainability.

#### **New Mexico Department of Health, January 2007, Sulfate In Drinking Water**

Natural levels can be increased by contamination from **mines, mills**, landfills, sewage and other manmade sources.

What level of sulfate is recommended for drinking water?

New Mexico Environment Department (NMED) and the Environmental Protection Agency (EPA) recommend that public water systems not have sulfate above 250 milligrams per liter (mg/L).

The EPA has also established a drinking water health advisory of 500 mg/L to prevent loose stool and diarrhea in persons not used to high levels of sulfate.

What are the health effects of sulfate in drinking water?

Drinking water with sulfate at levels exceeding 500 mg/L can cause strong laxative effects, such as diarrhea.

Animals are also sensitive to high levels of sulfate.

#### **National Sanitation Foundation**

<http://www.nsf.org/> or at toll-free at 1-877-8-NSF-HELP (1-877-867-3435).

#### **What is Metallic Sulfide Mining?**

[http://waterlegacy.org/sulfide\\_mining](http://waterlegacy.org/sulfide_mining)

**Metallic sulfide mining is a Midwest US term for hardrock mining for metals in sulfur-bearing rock, as differentiated from coal, iron ore, or gravel extraction.**

Metallic sulfide mining is the practice of extracting metals from a sulfide ore body.

In Minnesota, these metals include **copper** and **nickel** with trace amounts of cobalt, platinum, palladium, and gold.

Toxic metals in acid mine drainage (AMD) have polluted waters everywhere.

The [U.S. EPA](#) (Environmental protection Agency) has extensive information about AMD

#### **Technical Resource Document, Extraction and Beneficiation of Ores and Minerals, Vol 4, COPPER**

EPA 530-R-94-031, NTIS PB94-200979, 1994, US EPA Office of Solid Waste, Special Waste Branch, Washington.

##### **1.6 ENVIRONMENTAL EFFECTS**

##### **1.6.1 Potential Sources of Contamination**

##### **1.6.1.1 Mine Dewatering**

##### **1.6.1.2 Releases from Active Leach Units**

##### **1.6.1.3 Releases from Leach Units During and After Closure**

##### **1.6.1.4 Releases from Tailings Impoundments**

##### **1.6.1.5 Acid Drainage**

##### **1.6.1.6 Beneficiation Reagents**

##### **1.6.2 Factors Affecting the Potential for Contamination**

##### **1.6.3 Affected Media**



- 1.6.3.1 Ground Water/Surface Water
- 1.6.3.2 Soil
- 1.6.3.3 Air
- 1.6.4 Damage Cases
  - 1.6.4.1 National Priorities List
  - 1.6.4.2 304(l) Sites . . . . .
- 1.7 CURRENT REGULATORY AND STATUTORY FRAMEWORK
  - 1.7.1 Environmental Protection Agency Regulations
    - 1.7.1.1 Resource Conservation and Recovery Act
    - 1.7.1.2 Clean Water Act
    - 1.7.1.3 Clean Air Act
  - 1.7.2 Department of the Interior
    - 1.7.2.1 Bureau of Land Management
    - 1.7.2.2 National Park Service and Fish and Wildlife Service

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- 1.7.3 Department of Agriculture
  - 1.7.3.1 Forest
- 1.7.4 Army Corps of Engineers
- 1.7.5 State Programs

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, February 1996, Draft Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.  
paper copy about 400 pages

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, March 1999, Preliminary Final Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.  
electronic copy, 491 pages

**The Official Publication of the American Society of Mining and Reclamation, Spring/Summer 2005, reclamation matters, Conference Preliminary Program**, page 18, The Natural Defenses of Copper Flat Sierra County, NM by J. Steven Raugust and Virginia T. McLemore

**MSDS, Material Safety Data Sheet, Copper Concentrate, Vale Inco., [www.valeinco.com](http://www.valeinco.com)**

Product Composition and Toxicological Data  
Physical Data  
Fire or Explosion Hazard  
Reactivity and Stability  
First Aid Measures  
Preventative Measures Spill, Leak and disposal Procedures

## Preventative Measures Special Protection Information

### THEMAC Resources, New Mexico Copper Corporation, Copper Flat Mine Plan of Operations Report

prepared for U.S. Department of the Interior Bureau of Land Management Lac Cruces District Office , December 2010, Revised June 2011.  
NMCC\_PoO\_191000\_03\_20111120\_FNL.doc.  
electronic copy, 358 pages

### Office of the State Engineer, New Mexico, Rules and Regulations Governing the Appropriation and Use of Ground Water in New Mexico, 1995

(Revised August 2006), John R. D'Antonio, Jr., PE State Engineer,  
electronic PDF, 31 pages

### Environmental Mining Council of British Columbia

[www.miningwatch.org/emcbc/publications/amd\\_water.htm](http://www.miningwatch.org/emcbc/publications/amd_water.htm)

#### **ACID MINE DRAINAGE or AMD**

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- When the mining industry argues that new mining development is "essential" to our way of life, it tends to understate the fact that we could and should achieve many of our metals needs through better re-use and recycling of existing metal products.
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.
- To permit an identified acid generating mine means that we are asking future generations to take on the responsibility for toxic waste sites that are going to have to be managed for possibly hundreds of years. Predictions about the success of managing this waste in the long term are, at best, speculative.
- 

#### **Preventing & Mitigating Acid Mine Drainage**

- Containing the waste material and runoff (with liners, impervious pads, diversion and collection ditches, etc.) *sometimes* keeps the pollutants from running off the mine site into surrounding groundwater or streams.
- most reliable strategy for preventing AMD is to *submerge the waste rock or tailings under water* (behind an impoundment or in a natural water body) to prevent exposure to oxygen.
- mix it with *lime*, then cover it with one metre of till
- bring the leachate to a *treatment plant* using alkaline and sludge measures.

- *paste backfilling*
- *blended dumps.*

**None of these solutions worked without other adverse consequences.**

### **Mining Claims and Sites on Federal Lands,**

BLM National Science and Technology Center, P-048, Online version revised 05/11

**Is Water the New Gold?**, by Anthony Mirhaydari, MSN Money, 6/22/2011

The next hot commodity for investors could be one you think is everywhere, but which in reality is increasingly hard to find: **Clean, fresh water**

### **Overview of New Mexico's Groundwater Code,**

James C. Brockmann, Stein & Brockmann, P.A., Santa Fe, NM, 27th Biennial Groundwater Conference and 18th Annual Meeting of the Groundwater Resources Assoc. of California, 2009, electronic PDF

### **Noncontiguous Mill Site Claim, How to Stake a Mining Claim,**

BLM internet

### **1872 Mining Law**

<http://www.friends-bwca.org/issues/sulfide-mining/>

**BLUE GOLD, THE GLOBAL WATER CRISIS AND THE COMMODIFICATION OF THE WORLD'S WATER SUPPLY**, by Maude Barlow, Chair, IFG Committee on the Globalization of Water, National Chair, Council of Canadians, June 1999

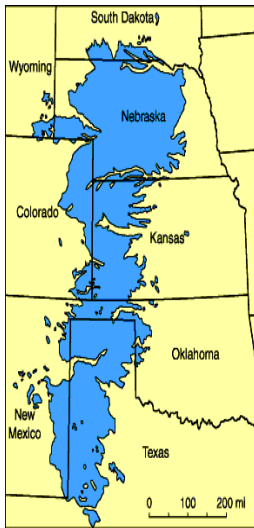
A Special Report Produced and Published by the International Forum on Globalization (IFG),

"The wars of the next century will be about water." – **The World Bank**

REPORT SUMMARY

- 1) Water belongs to the earth and all species
- 2) Water should be left where it is wherever possible
- 3) Water must be conserved for all time
- 4) Polluted water must be reclaimed
- 5) Water is best protected in natural watersheds
- 6) Water is a public trust to be guarded at all levels of government
- 7) An adequate supply of clean water is a basic human right
- 8) The best advocates for water are local communities and citizens
- 9) The public must participate as an equal partner with government to protect water
- 10) Economic globalization policies are not water sustainable

**Available fresh water amounts to less than one half of one percent of all the water on Earth.**



### **OGALLALA AQUIFER DEPLETION**

[http://www.naturalnews.com/031658\\_aquifer\\_depletion\\_Ogallala.html#ixzz1Grvm1vsh](http://www.naturalnews.com/031658_aquifer_depletion_Ogallala.html#ixzz1Grvm1vsh)

The largest underground freshwater supply in the world, stretching from South Dakota all the way to Texas.

**Aquifer depletion is a global problem**

**NEPA Handbook, H-1790.2k8.01.30[1]**

**BLM National environmental Policy Act, January 2008**

pdf, pages 184

**US DEPT OF THE INTERIOR, BLM, Instruction Memorandum No. CO-2004-014**

Updated Environmental Assessment (EA), Categorical Exclusion (CE), and Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy (DNA) Templates, Updated List of Critical Elements of the Human Environment in Bureau of Land Management (BLM) NEPA Handbook (H-1790-1) and EA-Level Guidance

**1976 Federal Land Policy management Act, or FLPMA (Pub. L. 94-579)**

FILED IN US Dept & LAWS

The Federal Land Policy and Management Act of 1976 As Amended Compiled by U.S. Department of the Interior Bureau of Land Management and Office of the Solicitor Washington, D.C, October 2001. pdf, 78 pages

**A History of the Gila River Basin in New Mexico**, Events, Adjudication & Limitations

Tink Jackson, OSE District 3 Manager, New Mexico Gila River WaterMaster

Power Point

**Geotechnical Construction Quality Assurance (CQA) Plan for Construction of the Composite Liner System at Gregory Canyon Landfill ; Prepared for: Bryan A. Stirrat & Associates**

**\*United States Environmental Protection Agency Guide for Industrial Waste, Part IV, Protecting Ground Water, Chapter 7: Section B, Designing and Installing Liners: Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles**

**New Mexico Copper Rule**

**Title 20 environmental Protection**  
**Chaper 6 Water Quality**  
**Part 7 Ground Water Protection – Supplemental Permitting**  
**Requirements for Copper Mine facilities**

**Estimating Leakage Rates Through Barrier Systems**  
Riva Nortje MScEng (Civil) PrEng Associat Waste & Tailings; Jones & Wagener, Engineering  
& Environmental Consultants,

**US EPA, Office of Water, 800-F-93-001**, October 1993, Robert Perciasepe, Assistant  
Administratior  
General overview

**US DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT**  
MANUAL TRANSMITTAL SHEET, Release 3-318, 03/20/2004  
3800- Mining Claims Under the General Mining Laws – (Public)

**Mining & Mineral Law by Jeanine Feriancek of Holland & Hart LLP**  
<http://library.findlaw.com/1999/Jan/1/241491.html>

**ANDACOLLO COPPER CONCENTRATE MATERIAL SAFETY DATA SHEET**  
TECK METALS LTD, Suite 3300, 550 Burrard St, Vancouver, BC, V6C 0B3  
30 January 2012  
Copper Concentrate  
Composition/ Information on Ingredients  
Hazards Identification  
First Aid Measures  
Fire Fighting Measures  
Accidental Release Measures  
Handling and Storage  
Exposure Controls / Personal Protection  
Physical and Chemical Properties  
Stability and Reactivity  
Toxicological Information  
Ecological Information

Transport Information

Regulatory Information

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

Other Information: References

**NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

2010 Annual Report of the Mining Act Reclamation Program to the NM Mining Commission,

Director: Charles Thomas, P.E., Program Manager: Holland Sheperd

electron pdf of 68 pages.

New Mexico Copper Corporation submitted a sampling and analysis plan for the Copper Flat Mine, a proposed new regular copper mine in Sierra County. The operator has already submitted a plan of operation to the Bureau of Land Management (BLM). MMD and BLM are working together to address the federal NEPA and state Environmental Evaluation (EE) processes. (page 18) (other pages show permits and bonds)

**WATER CONVERSION TABLE**

Montana Department of Natural Resources and Conservation

<http://www.dnrc.state.mt.us/wrd/home.htm>

Form No. 615 R10/2009

GPM, CFS, AF

General Water Requirements: various

Planning Guide for Water Use: various

**Ennis, David, EMNRD**

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**From:** bcunni4668@aol.com  
**Sent:** Friday, July 27, 2018 11:13 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Response to Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico  
**Attachments:** Letter to MMD Letter requesting Delay of Public Hearing.docx

Please review the attached letter requesting a delay of the Public Hearing for the Mine on August 21 and 22.

Thank you  
Robert Cunningham

Hillsboro Pitchfork Ranch L.L.C.  
P.O. Box 478  
Hillsboro New Mexico 88042  
Robert Cunningham (Owner)

Mr. Fernando Martinez  
Director Mining and Minerals Division (MMD)  
New Mexico State Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**Regarding:** Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico

Dear Director Martinez:

I am writing as the owner, along with my sister, of our family ranch near Hillsboro New Mexico. Our ranch is most affected by the potential development of the New Mexico Copper Corporation (NMCC), Copper Flat mine. Our Family Ranch was established in 1906 and abuts the proposed copper mine. Our family will be negatively affected economically by the NMCC Copper Flat mine.

In June of this year, MMD staff told us the hearing would be in January 2019. On July 18, 2018 we received notification the hearing would be held on August 21 and 22, 2018. If the intent is to foster the Copper Flat Permit, so be it. If the intent is to provide meaning public input into the Copper Flat mine permitting process a delay in the Public Hearing must be allowed so the public can adequately review the mining application.

NMCC hasn't provided any information about financial assurance for reclaiming the Mine and won't until the week before the hearing. Witness the prior failed effort by Quintana Mining Company to reclaim their failed Copper mine. Neither we as affected land owners or the general public can make a reasoned judgement of NMCC financial assurance in one weeks' time.

I request that MMD postpone the hearing for a at least 3 months to provide us as well as the general public adequate time to review the proposed mine application and financial assurance statement.

Sincerely

Robert Cunningham



RECEIVED

AUG 03 2018

MINING & MINERALS DIVISION

July 31, 2018

Director, Mining & Minerals Div – EMNRD, 1220 So Saint Francis Drive, Santa Fe, NM 87505

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its Public hearing on the Mine Permit. As recently as late June, MMD staff were stating that a January hearing would be held, now it has suddenly been moved up 5 months. This is too critical an "impact issue" for the residents of Sierra County to have it be "pushed through" so quickly without proper precaution & consideration! MMD should honor its prior representation as the proposed dates for hearing...for August 21 & 22, are unacceptable! (Note: In August, many concerned public & technical resource experts are on summer vacation.)

The Draft Discharge Permit is currently scheduled at end of September & technical experts from Stakeholders are preparing for that hearing; they won't be able to properly review & testify at the Mining Permit Hearing (Notice of Intent to present technical testimony for Discharge Permit is due August 24, two days After Permit Hearing: SEEMS LIKE CART BEFORE THE HORSE!!)

This is a matter of very serious concern indeed for all citizens of Sierra County – That a "Foreign Corporation" should be allowed to decimate & defile our precious natural resources! It has been well-documented the affect/effect the toxins in this "chemical mining process" have on the very air we breathe, the water we drink & bathe in, the earth that crops are grown in, not to mention the fire-producing effect of scourged natural surroundings...Environmentally, it is also a disaster!

According to MMD's website, NMCC has yet to provide any information re: Financial assurance for Reclaiming the Mine (until maybe one week before) – Not Enough Time To Review!! Stakeholders & their "Tech Expert Testimony" won't even be prepared (Draft Discharge Permit) until Aug 24 which is AFTER this "presently scheduled" Aug 21 & 22 Public T or C meeting How can you critique something that isn't even complete until end of September? (The Rush to Push Through This Disaster Leaves Many Unanswered???)

Thirty (30) days is certainly not a reasonable amount of time to wade through thousands of pages of financial & technical documents when you consider the disastrous "Consequences" of "The Truth" of this proposal!! Accordingly, to protect public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at very earliest.

Thank you for your kind & thorough attention to our concerns,

Sincerely,



Denise Boman

P.O. Box 828

Truth or Consequences, NM 87901

**Ennis, David, EMNRD**

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**From:** Caballo District <caballoswcd@gmail.com>  
**Sent:** Thursday, October 25, 2018 2:16 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comments Copper Flats  
**Attachments:** Copper Flats Resolution.pdf

Dear Director,  
Please find the attached Resolution from Caballo Soil and Water Conservation District on Copper Flats Mine.

*Susan Downs*  
*Admin. Assist.*  
*Caballo SWCD*

*Caballo SWCD*  
*P.O. Box 145*  
*Garfield, NM 87936*  
*575 267-0516*  
*caballoswcd@gmail.com*



# Caballo Soil and Water Conservation District

PO Box 145 • Garfield, NM 87936 • Phone and Fax 575-267-0516

## Copper Flats Mine-THEMAC, NM Copper Cooperation Resolution

Whereas the Caballo SWCD serves to protect our natural resources and cultivate the strength of our local economy,

Whereas Caballo SWCD seeks to preserve private property rights and recognizes the value of water rights and their beneficial use as the cornerstone of our local economy,

Therefore, be it resolved, that the Caballo Soil and Water Conservation District supports the legal use of water rights held by Themac and the Copper Flat Mine on the basis that the new use of these rights has little or no significantly detrimental impacts on the established rights of others that are currently in beneficial use.

This Resolution passed on a Motion by Frank Garay and seconded by Samantha Gillis.

Vote as follows:

|                 |            |
|-----------------|------------|
| Hector Mendoza  | <u>Yea</u> |
| Harvey Morrow   | <u>Yea</u> |
| Samantha Gillis | <u>Yea</u> |
| Casey McGuire   | <u>Yea</u> |
| Slim Whitlock   | <u>Yea</u> |
| Dee Wear        | <u>Yea</u> |
| Frank Garay     | <u>Yea</u> |



811 N, Silver St.  
TorC, NM 87901  
July 26, 2018

Fernando Martinez  
Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Dept.  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Dear Director Martinez:

I'm writing to you with serious concern about the Copper Flats Mine proposed to be reopened here in Sierra County and specifically about MMD's new date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents for either the public or the experts reviewing the case.
2. Plus, contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public isn't even able to review **anything** yet related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review. This is particularly important as inadequately monitored mine operations and reclamation could have a devastating effect on the entire lower Rio Grande and the aquifers associated with it, not to mention drinking and irrigation water the state is required to protect.
4. Many of the technical experts and the folks directly affected will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the SIGNIFICANT public concern about the Mine, MMD

should provide a minimum of 5 months for the public to review and prepare comments and testimony.

7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

So, to protect the interest of those of us most concerned, as well as, adequate due process, and ensure the public has enough time to go over this issue with the facts I strongly request that MMD postpone the hearing until the week of December 10th at the earliest. It will also preclude the rather obvious implication that this is being rushed through to **avoid** public input.

Thank you for taking these facts into consideration.

Hopefully,

A handwritten signature in blue ink, appearing to be "Dennis Dunnum", with a stylized, cursive-like script.

Dennis Dunnum





## Elephant Butte Irrigation District Of New Mexico

530 South Melendres  
Las Cruces, NM 88005-2826

Telephone  
(575) 526-6671  
Fax (575) 523-9666  
Dispatch Fax (575) 526-8391  
Warehouse Fax (575) 526-1530  
Engineering Fax (575) 541-5716

[www.ebid-nm.org](http://www.ebid-nm.org)



### Staff Members

Gary L. Esslinger, Treasurer/Manager  
Leo Barrett, Maintenance Project Director  
Gail Norvell, Finance Director  
James Narvaez, Irrigation System Director  
Delyce Maciel, HR/Safety Director  
Erek Fuchs, Groundwater Resource Director  
Zack Libbin, P.E., District Engineer  
Patrick Lopez, Hydrology/IT Director

Robert Faubion, President  
Michael McNamee, Vice-President  
Greg Daviet, Secretary  
Jerry Franzoy  
James Salopek  
Robert Sloan  
Bobby Kuykendyll  
Joe Paul Lack  
Sam Salopek

July 27, 2018

Fernando Martinez  
Director, Mining & Minerals Division  
NMEMND  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Via Regular Mail and Email to:  
[Fernando.Martinez@state.nm.us](mailto:Fernando.Martinez@state.nm.us)

RE: Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico

Dear Mr. Martinez,

As Manager of the Elephant Butte Irrigation District, which operates in both Sierra and Dona Ana Counties, I am writing to respectfully request that the public hearing for the Copper Flat Mine be postponed. This proposed mine has the ability to significantly and adversely effect EBID and its members' interests. EBID has only recently received the Public Notice setting the hearing date, which was dated for July 18, 2018. According to the public notice, the current hearing dates are August 21 and 22, 2018, from 9:00 am to 7:00 pm on both days.

I am requesting that the hearing dates be extended to sometime much later in the year or early next year to give EBID an adequate opportunity to assess this situation, its potential impact on us, and determine to what extent we will participate at the hearing, if at all. Thirty days is not nearly enough time for us to review thousands of pages of technical documents in the MMD's administrative record (which we do not yet have), let alone make a presentation to our Board of Directors or decide how we will participate. I would note for you that we have had significant trouble accessing the documents that are supposed to be on your website based upon what is stated in the Public Notice, and we are wondering if you are having technical issues with your website? Please send me updated information regarding how to access the administrative record so EBID's experts can begin their review. Alternatively, please consider this an Inspection of Public Record's Act request, forward this correspondence to your record's custodian, and send us the administrative record at your earliest convenience. We will be responsible for all costs associated with obtaining this record if it is not available on your website, though we would hope that updated information regarding how to access the record on your website will prevent the unnecessary time and expense of an IPRA request.

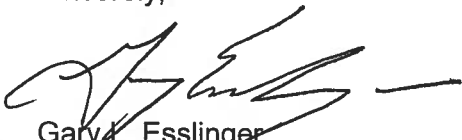
Additionally, our general counsel who handles all environmental issues is out on maternity leave until the end of September, and she is absolutely necessary to ensuring EBID has an adequate opportunity to participate in the MMD's Hearing. While we had hoped she would be around

much longer into August, unanticipated health issues caused her early absence, and we simply do not have time to find other counsel. While she is out, she will still be working as much as humanly possibly on preparing for EBID's participation in the NMED Groundwater Discharge Permit Hearing, however, it is extremely unreasonable to expect a first time mother who is already experiencing health issues to also have to participate in this matter only weeks after she gives birth, and without the benefit of having any time to prepare. We hope you agree with us that the safety of mother and child should come first.

Finally, through our communications with other interested parties, we were originally under the impression that the MMD's hearing would not take place until early next year. We would like to know what changed and why it has all of a sudden been expedited? All other agencies involved in the permitting process to date (NMED, BLM) have allowed a minimum of 4 months from the time they issued public notices for the public to participate and submit public comments or otherwise prepare for hearing. We do not believe the public has an adequate opportunity to participate under the abbreviated time schedule now being required of us, and we, therefore, respectfully request that the MMD revert back to its original position regarding the hearing timeline and reset this matter for late this year or early next year.

Thank you for your consideration of this request. Please do not hesitate to contact me directly should you have questions.

Sincerely,



Gary L. Esslinger  
Treasurer-Manager

CC: Samantha R. Barncastle, General Counsel for EBID

## Ennis, David, EMNRD

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**From:** Pat Gordon <pgordon@eplawyers.com>  
**Sent:** Monday, July 30, 2018 3:43 PM  
**To:** Martinez, Fernando, EMNRD; EMNRD-MMD.Director  
**Subject:** New Mexico MMD - Notice of Hearing - Copper Flat Mine  
**Attachments:** new mex mine - copper fl\_001.pdf

Mr. Martinez:

Attached is a letter from Texas regarding the Application for the Copper Flat Mine and the proposed hearing scheduled for August 21 and 22, 2018 in Truth or Consequences, New Mexico.

Please contact me if you have questions.

Sincerely,

Pat Gordon  
Texas Commissioner

**Pat Gordon** | Partner  
4695 North Mesa Street | El Paso, TX 79912  
T (915) 545-1133 | F (915) 545-4433 | E [pgordon@eplawyers.com](mailto:pgordon@eplawyers.com)



**GORDON DAVIS JOHNSON & SHANE P.C.**

[EPLAWYERS.COM](http://EPLAWYERS.COM)

[DISCLAIMER](#)





## RIO GRANDE COMPACT COMMISSION

PATRICK R. GORDON  
TEXAS COMMISSIONER

401 E. FRANKLIN AVE., STE 560  
EL PASO, TEXAS 79901-1212  
TELEPHONE: (915) 834-7075  
FAX : (915) 834-7080

July 30, 2018

**Via Electronic Mail  
and First Class Mail**

Mr. Fernando Martinez  
Director, Mining and Mineral Division  
New Mexico Energy, Minerals and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Mining Act Permit Hearing for Copper Flat Mine

Dear Director Martinez:

This letter acknowledges receipt of the Note of Public Hearing for Copper Flat Mine dated July 18, 2018 (the "Notice") scheduled by the Mining and Minerals Division ("MMD") for August 21<sup>st</sup> and 22<sup>nd</sup>, 2018 in Truth or Consequences, New Mexico, on the Mining Act Permit Application Package ("Application") submitted by New Mexico Copper Company ("NMCC") for the Copper Flat Mine in Sierra County, New Mexico (the "Mine").

Texas respectfully requests that the hearing be postponed until December 2018 or January 2019.

The MMD is well aware that there are many complex and controversial issues with the Application and Mine. Scheduling a hearing on the NMCC Application in August with only 30 days' notice is unreasonable and unfair to the many parties who could be impacted by the Mine, especially given the extremely complex and controversial nature of the Application. The record contains thousands of pages of technical documents, and it is still unclear what exactly constitutes the final Application to be reviewed. The final Environmental Assessment by the BLM has not been issued.

There are numerous landowners, business owners, agricultural interest, conservation organizations and government representatives which have expressed serious concerns about the potential effects of the Mine on the public health, natural environment, wildlife, and economy of the communities surrounding the Mine as well as downstream on the Rio Grande. Providing only 30 days' notice will effectively deprive these interested parties and the general public of the opportunity to express their concerns on the critical topic.

Texas is also concerned with the short notice because NMCC has not yet submitted a financial assurance proposal as required by the New Mexico Mining Act and its implementing regulations. Financial assurance for closeout is one of the most critical - and potentially controversial - elements of a Mining Act permit. Moreover, MMD has allowed NMCC to submit its financial assurance proposal within 30 days after receipt of a letter dated July 13, 2018. Thus, the financial assurance proposal need not be submitted until approximately one week before the hearing. That is not sufficient time to review and prepare comments and testimony on the proposal.

Texas has strong objections to the Application and Mine based on environmental issues as well as the substantial and long-term depletions that the Mine will have on water, in the Rio Grande and Caballo Reservoir, that belongs to Texas. If allowed, these actions will violate Texas's rights under the 1938 Rio Grande Compact. Texas is currently in litigation against New Mexico in the United States Supreme Court, see Texas v. New Mexico, Original No. 141, regarding Rio Grande Compact violations.

Among other things, the Application is flawed because NMCC is not entitled to deplete or use water that belongs to Texas, even if an offset (that was real time) was allowed. Furthermore, NMCC's alleged mitigation will mitigate nothing because San Juan Chama water leased from the Jicarilla cannot be used downstream of Elephant Butte Reservoir where the Mine's depletions will occur.

Attached are copies of written comments from Texas for the hearing that will be emailed as directed by the Notice of Public Hearing.

Thank you for considering this request.

Sincerely,

  
Pat Gordon

Texas Rio Grande Compact Commissioner



State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



July 18, 2018

**RE: Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico**

The Mining and Minerals Division ("MMD") will hold a public hearing on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The purpose of the hearing is to give the public an opportunity to learn about, and comment on, the requested New Mining Operation permit for the Copper Flat Mine. Representatives of both the MMD and New Mexico Copper Corporation ("NMCC") will be in attendance. The public notice for the public hearing is enclosed with this letter.

The public hearing is scheduled for **August 21 and 22, 2018 from 9:00 am to 7:00 pm on both days.**

The location of the public hearing will be at the **Truth or Consequences Civic Center/Ralph Edwards Auditorium, 400 West Fourth, Truth or Consequences, New Mexico, 87901.**

Comments regarding NMCC's request for a New Mining Operation permit for the Copper Flat Mine may be submitted to the Director of MMD at the following address:

Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Or by email at: [EMNRD-MMD.Director@state.nm.us](mailto:EMNRD-MMD.Director@state.nm.us)

Written comments must be received prior to the close of the hearing record set during the public hearing. Written comments may be submitted outside of the hearing process, or at the hearing.

The Permit Application Package and Draft Environmental Evaluation are available for review at the MMD Office in Santa Fe, NM, and may also be viewed on the MMD website at:  
<http://www.emnrd.state.nm.us/mmd/MARP/PermitSI027RN.html>

Enclosure: Public Notice for Public Hearing on Copper Flat Mine

**Public Notice:  
Copper Flat Mine Public Hearing**

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division ("MMD") hereby gives notice of a public hearing on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The applicant for the permit is New Mexico Copper Corporation ("NMCC"), a wholly owned subsidiary of THEMAC Resources Group Limited. The Copper Flat Mine is located in Sierra County, approximately 30 miles southwest of Truth or Consequences and 5 miles northeast of Hillsboro.

**Mine Description**

The mine permit area is approximately 2,190 acres in size and will utilize Bureau of Land Management public land and private property. NMCC has applied for a New Mining Operation permit under the New Mexico Mining Act to extract approximately 125 million tons of copper ore during the anticipated 12-year lifespan of the mine. Annually, the mining operation will process approximately 11 million tons of copper ore through an on-site mill for extraction of copper, molybdenum, gold, and other metals. The ore body will be mined by conventional truck and shovel open pit methods. The mine will consist of a 900 foot deep open pit, crushers/grinders, sulfide flotation mill/concentrator, a lined 600 acre tailing impoundment, a 45 million ton waste rock disposal area, reclamation material stockpiles, low-grade ore stockpile, equipment laydown yard, fuel station, warehouses, and other ancillary facilities needed to operate the mine. Copper, molybdenum and coarse gold concentrates will be shipped in bulk form by truck for further off-site processing.

**Public Hearing**

The purpose of the public hearing is to give the public an opportunity to learn about and comment on the requested New Mining Operation permit for the Copper Flat Mine. A hearing officer will conduct the hearing on behalf of MMD and, pursuant to NM Mining Act Rule 19.10.9.905 NMAC, will have authority to take all measures necessary for the maintenance of order and decorum, and for the efficient, fair and impartial presentation of the requested New Mining Operation permit for the Copper Flat Mine and the receiving of public comments. The public hearing is not adjudicatory and no final decisions regarding the application will be made at the public hearing, nor will the hearing officer provide any recommendations to the MMD at the conclusion of the hearing. Rather, the hearing officer will provide MMD with a summary report that will summarize both technical and non-technical comments taken at the hearing so that the MMD Director may consider social, economic, technical and other issues that are raised at the public hearing. Any interested persons may provide verbal or written comments at the public hearing.

Representatives NMCC will provide a presentation of the requested New Mining Operation permit for the Copper Flat Mine. Afterwards, opportunity for public comments will be offered. Any interested person may testify at the hearing. A person who wants to present testimony should indicate this desire on the sign-in sheet before the hearing begins. Any person who testifies at the hearing is subject to cross-examination on the subject matter of his direct testimony. Any person attending the hearing is entitled to conduct such cross-examination as may be required for full disclosure of matters at issue in the hearing.

## **Noticia Pública: Audiencia Pública de Mina Copper Flat**

El Departamento de Energía, Minerales y Recursos Naturales de Nuevo México, División de Minería y Minerales ("MMD") da aviso de una audiencia pública sobre el Paquete de Solicitud de Permiso y el Borrador de Evaluación Ambiental en consideración de emitir un nuevo permiso de mina para la Mina Copper Flat en el Condado de Sierra, Nuevo México. El solicitante del permiso es New Mexico Copper Corporation ("NMCC"), una subsidiaria de THEMAC Resources Group Limited. La Mina Copper Flat está ubicada en el Condado de Sierra, aproximadamente a 30 millas al sudoeste de Truth or Consequences y 5 millas al noreste de Hillsboro.

### Descripción de la Mina

El área de permiso de la mina tiene un tamaño aproximado de 2,190 acres y utilizará terrenos públicos y propiedad privada de la Oficina de Administración de Tierras ("BLM"). NMCC ha solicitado un permiso de Nueva Operación Minera bajo la Ley de Minería de Nuevo México para extraer aproximadamente 125 millones de toneladas de mineral de cobre durante la expectativa de vida de la mina de 12 años. Anualmente, la operación minera procesará aproximadamente 11 millones de toneladas de mineral de cobre a través de un molino in situ para la extracción de cobre, molibdeno, oro y otros metales. El yacimiento del mineral será extraído mediante métodos convencionales de camiones y palas a cielo abierto. La mina constará una excavación de un tajo de 900 pies de profundidad, trituradoras/amoladoras, molino/concentrador de flotación de sulfuro, un embalse de relaves de 600 acres, un área de rocas de desecho de 45 millones de toneladas, reservas de material de recuperación, reservas de mineral de baja ley, instalación de equipo, estación de combustible, almacenes y otras instalaciones auxiliares necesarias para operar la mina. Los concentrados de cobre, molibdeno y oro grueso trasladarán por camión para más procesamiento fuera del sitio.

### Audiencia Pública

El objetivo de la audiencia pública es ofrecerle al público la oportunidad de conocer y comentar sobre el permiso de la Nueva Operación Minera para la Mina Copper Flat. Un Oficial de Audiencia conducirá la audiencia en nombre de MMD y, de conformidad con la Ley de Minería de NM, Regla 19.10.9.905 NMAC, tendrá autoridad para tomar todas las medidas necesarias para el mantenimiento del orden y el decoro, y para la presentación eficiente, justa e imparcial de el nuevo permiso de operación minera solicitado para la Mina Copper Flat y la recepción de comentarios públicos. La audiencia pública no es adjudicativa y no se tomarán decisiones finales con respecto a la solicitud en la audiencia pública, ni el Oficial de Audiencia hará ninguna recomendación al MMD al finalizar la audiencia. Por el contrario, el Oficial de Audiencia preparará para MMD un informe resumido que resumirá los comentarios técnicos y no técnicos tomados en la audiencia para que el Director de MMD pueda considerar cuestiones sociales, económicas, técnicas y de otro tipo que surjan en la audiencia pública. Cualquier persona interesada puede presentar comentarios verbales o escritos en la audiencia pública.

Representantes NMCC dará una presentación del permiso de Nueva Operación Minera solicitado para la Mina Copper Flat. Luego, se ofrecerá una oportunidad para comentarios públicos. Cualquier persona interesada puede testificar en la audiencia. Una persona que desea presentar un testimonio debe indicar este deseo en la lista de asistencia antes de que comience la audiencia. Cualquier persona que testifique en la audiencia está sujeta a una serie de preguntas (un interrogatorio) sobre el tema de su testimonio directo. Cualquier persona que asista a la audiencia tiene derecho a interrogar el testigo que se requiera para la divulgación completa de los asuntos en cuestión en la audiencia. El oficial de la audiencia puede limitar el interrogatorio para evitar el acoso, la intimidación, el gasto de tiempo innecesario o indebido repetición. Todos los testimonios se tomarán bajo juramento o afirmación.







## RIO GRANDE COMPACT COMMISSION

PATRICK R. GORDON  
TEXAS COMMISSIONER

401 E. FRANKLIN AVE., STE 560  
EL PASO, TEXAS 79901-1212  
TELEPHONE: (915) 834-7075  
FAX: (915) 834-7080

May 17, 2018

Via Electronic Delivery

Mr. Doug Haywood, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

RE: Comments of the Draft Environmental Impact Statement from the Bureau of Land Management ("BLM") for the Copper Flat Copper Mine

Notice of violation of the Rio Grande Compact

Dear Mr. Haywood:

As the Texas Rio Grande Compact Commissioner, on behalf of the State of Texas, I submit these comments on the Draft Environmental Impact Statement ("DEIS") for the New Mexico Copper Corporation ("NMCC") proposed Copper Flat Copper Mine ("Mine" or "Project"). I understand that the DEIS was published in the Federal Register, Vol. 80, No. 229 on November 30, 2015. I understand the final EIS may be released in the summer of 2018.

Texas only recently became aware of the Mine in a meeting with the Bureau of Reclamation ("BOR") when during the meeting, the BOR informed Texas and Colorado that it had, in 2015, approved a lease contract for the delivery of San Juan Chama Water to the Elephant Butte Reservoir ("EBR") and Caballo Reservoir ("Caballo") for the Apache Jicarilla Tribe.<sup>1</sup>

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<sup>1</sup> Texas does not believe that San Juan Chama waters can be delivered by the BOR to Texas as Usable Water under the Compact without agreement of the Rio Grande Compact Commission. No accounting method is in place for delivery to Caballo as Usable Water in Project Storage. Further, the BOR does not have authority to augment deliveries without Compact Commission approval. The statements on page 15 of the John Shomaker & Associates, Inc. Hydrologic Report dated December 2017 that flows from the Jicarilla lease water will arrive at Caballo Dam are not accurate.



Texas is interested in the DEIS because of the effects that the proposed action and the proposed alternatives the Mine will have on the quantity and quality of waters apportioned and delivered to Texas under the Rio Grande Compact, Act of May 31, 1939, ch. 155, 53 Stat. 758 (the "Compact"). The Compact is an agreement between the States of Colorado, New Mexico and Texas which has been approved by Congress. The Compact apportions the waters of the Rio Grande among the States of Colorado, New Mexico and Texas. The apportionment is based on both the quantity and quality of water in the Rio Grande. Under the Compact, New Mexico is required to deliver to Texas its apportioned water from the Rio Grande. New Mexico is required to relinquish control of these delivered waters at EBR, which is above Caballo. The Compact also provides for the delivery of water from the Rio Grande to Mexico under a 1906 Treaty between the United States ("US") and Mexico.

Based upon our review of the DEIS, Texas has serious concerns regarding the Mine's affect upon the quantity and quality of water apportioned and delivered to Texas by New Mexico under the Compact. These concerns include the following:

1. Section 3.6.2.3.3 Summary of Groundwater Assessment of the DEIS states that the "Impacts to the regional water budget, including flows of the Rio Grande, would be significant." It further states that "These impacts would be large in magnitude, long-term, and certain" and that the "Impacts to water levels caused by the supply well field would be significant."<sup>2</sup>

These adverse impacts will have a clear and unmistakable adverse effect on the Compact as well as Texas's apportioned and delivered water under the Compact. Examples of the issues associated with the Mine's adverse impact on the Compact are described in the February 26, 2016 letter from New Mexico's own state agency, the New Mexico Interstate Stream Commission ("NISC"), where the NISC opposed the DEIS based in part on concerns that the diversion would adversely impact Usable Water in Project Storage in violation of the Compact. The NISC also described other significant Compact issues that would be created by the Mine, including storage impacts to the States of New Mexico and Colorado.

The DEIS itself and reports prepared for NMCC by its consultant, John Shomaker & Associates, corroborate that the Mine's operations, with wells situated in close proximity to Caballo, will impact Rio Grande flows and deplete water stored in Caballo.

2. Section 3.6.3 Mitigating Measures of the DEIS states that NMED and OSE (both New Mexico state agencies) have the authority to require mitigation of impacts "that are judged unacceptable in accordance with New Mexico regulations." It further states that "The BLM intends to rely on the State agencies to exercise their statutory authority in determining which impacts exceed allowable limits and what mitigating measures may be required by diversions caused by the Mine."<sup>3</sup>

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<sup>2</sup> The DEIS concludes that the impacts will last over 100 years. See pages 3-59 and 3-60.

<sup>3</sup> The concept that depletions from the Rio Grande or Caballo (water belonging to Texas under the Compact) can somehow be offset with waters below or upstream of the depletion (not in real time) based on New Mexico state law

This, however, is inconsistent with the Compact. Under the Compact, New Mexico is required to deliver annually an amount of apportioned water to Texas.<sup>4</sup> The delivery occurs in EBR in time for each irrigation season. Under the Rio Grande Project (“RGP”), which has been fully incorporated into the Compact, waters (defined as Usable Water in Project Storage) are released from EBR to Caballo for delivery to users (under contract) in New Mexico and Texas. All water in the Rio Grande released from EBR, including water stored in Caballo, is Texas’s apportioned water delivered by New Mexico under the Compact. This water is for the exclusive use of Texas for delivery to users (under contract) in New Mexico and Texas.

In 2013 Texas sued New Mexico and joined Colorado in the United States Supreme Court for violating the Compact. See Texas v. New Mexico, Original 141. The US intervened in the lawsuit against New Mexico. The Court appointed a Special Master to prepare a report. As stated in the Special Master’s report, “New Mexico must relinquish all control over the water delivered to Texas.” Therefore, any diversion of Texas’s water in the Rio Grande and Caballo for the Mine violates the Compact. The Compact does not provide that New Mexico (under its state law) can “offset” or “pay back” Texas for waters delivered to Texas under the Compact.<sup>5</sup> Once the water is delivered by New Mexico to Texas at EBR, New Mexico must relinquish all control over the water and further must not take any action to divert or interfere with Texas’s water to be delivered to its contract users.<sup>6</sup>

The DEIS assumes that under New Mexico state law, the impact to the Rio Grande and Caballo will be made whole by the New Mexico OSE as it determines under New Mexico State law. Even assuming New Mexico State law would apply, the Application for diversion filed in January 2018 which the OSE assumes that water under the Jicarilla lease will be used to offset any adverse impacts to the Rio Grande and Caballo does not come close to offsetting damages to the basin as referenced in the DEIS. The lease between NMCC and the Jicarilla is for 15 years, and is only based on when water is available. The lease also expires when the New Mexico OSE on its own decides further offsets are not required. The Mine is estimated to operate for approximately 12 years, but the damages to water basin (including the Rio Grande and Caballo) will be for over a 100 years.<sup>7</sup>

The US is a party to the Compact and is responsible for ensuring compliance by Colorado, New Mexico and Texas. This was unanimously confirmed by the United Supreme Court in its opinion decided on March 5, 2018 in which it recognized a significant role for the US in protecting the RGP as well as the integrity of the Compact. The Court further noted that

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and should not apply to waters delivered by New Mexico to Texas under the Compact. These delivered waters are not subject to New Mexico state law, which may permit exchanges or offsets among upstream its water users.

<sup>4</sup> The Compact also requires that the water be of a certain quality.

<sup>5</sup> There is no assurance for any offset. The lease provides for San Juan Chama only if available. As stated by the NISC, any meaning offset would have to be on a “real-time” basis.

<sup>6</sup> Even if possible, any offset would be downstream and would not mitigate actual upstream depletions to the Rio Grande and Caballo. Further, offsets would not be in real time.

<sup>7</sup> See pages 3-59 and 3-60 of the DEIS.

the US "as a sort of agent of the Compact" was charged with ensuring that the Compact's equitable apportioned waters were delivered to contracting parties in Texas and New Mexico.

Based on the Court's opinion, the BLM, as an agency of the US, should not simply delegate Compact obligations to a New Mexico state agency "to exercise their statutory authority in determining which impacts exceed allowable limits, and what mitigation measures may be required." This is not a state issue. Any adverse impact of Texas' water in the Rio Grande and Caballo violates the Compact.

3. The BLM has failed to undertake a groundwater basin study recommended by its own DEIS.<sup>8</sup> Page 4-8 of the DEIS states, "Surface Water Use: The Proposed Action and alternatives would reduce groundwater discharge to Caballo Reservoir and the Rio Grande, decreasing surface water quantities there. This impact is expected to have a long-term, large-extent, and probable cumulative effect on these surface water resources. The cumulative magnitude of the effect can only be determined through a comprehensive mid-basin study of Caballo Reservoir and the Rio Grande."

No such study has been conducted. The DEIS has a deficient and obviously glossed over and flawed hydrologic study of the impacts to the basin, including that amounts that would divert Rio Grande river flows and Caballo. The NISC estimates that the Mine would extract approximately 60,000 acre feet of water from the groundwater system and any recovery would come directly from the Rio Grande and Caballo. The NISC expressed concern that the estimates of damages to the water system in the DEIS are suspect and fail to accurately take into account that the recovery could take a hundred years. We concur with the NISC and along with other parties believe that a further supplemental hydrology study of the basin is critical and should be conducted to determine a true and accurate impact to the water basin. This should be done before the DEIS is finalized.

4. In addition to the impact on the quantity of water delivered to Texas under the Compact, Texas is concerned that the Mine will adversely impact the quality of water required to be delivered by New Mexico under the Compact. The DEIS describes the Mine as an open pit mine operation with open trailing ponds in close proximity to Caballo. Any spill or leak from these ponds would have a disastrous environmental impact on Texas's water which is used by farmers in Southern New Mexico and Texas and the City of El Paso.


In summary, the Mine's proposed actions impact Texas's apportioned waters in the Rio Grande and Caballo that have been delivered by New Mexico to Texas, which violate the Compact. BLM has failed to do a supplemental comprehensive groundwater basin study as stated in the DEIS to determine the magnitude of these impacts. The DEIS improperly delegates the responsibility to protect Texas under the Compact to a New Mexico State agency. The Compact does not allow New Mexico to divert and then allegedly offset (or put back) waters that belong to Texas under the Compact. Texas will not be protected as stated in the DEIS. As confirmed by the USSC is its recent unanimous decision, the US as an agent for the Compact is responsible for ensuring that Compact water deliveries are made to Texas. Your DEIS violates your duty to Texas.

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<sup>8</sup> See pages 4-8 of the DEIS, which recommends a supplemental study of the basin.

We request that the BLM reconsider its position under the DEIS and take a closer look and evaluate the obligations that the US owes to Texas under the Compact.<sup>9</sup> We also believe supplemental studies to the basin should be conducted.

If you have questions, we are available to meet to present our concerns.

Sincerely,  
  
Pat Gordon  
Rio Grande Commissioner,  
State of Texas

cc: David Bernhardt, Deputy Secretary of Interior

Senator John Cornyn

Tom Blaine, New Mexico Compact Commissioner  
[Tom.Blaine@state.nm.us](mailto:Tom.Blaine@state.nm.us)

Kevin Rein, Colorado Compact Commissioner  
[kevin.rein@state.co.us](mailto:kevin.rein@state.co.us)

Maria O'Brien, General Counsel, EP#1  
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Samantha B. Salopek, General Counsel, EBID  
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Edward Drusina, PE, United States International Boundary and Water Commissioner  
[Ed.Drusina@ibwc.gov](mailto:Ed.Drusina@ibwc.gov)

Stuart Sommach  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com)

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<sup>9</sup> The US owes and obligation to protect Colorado and Mexico as well.





## RIO GRANDE COMPACT COMMISSION

PATRICK R. GORDON  
TEXAS COMMISSIONER

401 E. FRANKLIN AVE., STE 560  
EL PASO, TEXAS 79901-1212  
TELEPHONE: (915) 834-7075  
FAX : (915) 834-7080

April 12, 2018

VIA ELECTRONIC MAIL AND  
FIRST CLASS MAIL

Mr. Tom Blaine  
New Mexico Compact Commissioner  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, New Mexico 87102

Re: Application for Permit to Appropriate – New Mexico Copper Corporation  
("NMCC") – Notice of Violation of Rio Grande Compact

Dear Commissioner Blaine:

Texas has recently been informed that an Application for Permit to Appropriate 5,234 acre feet of water (the "Application") by NMCC is in the process of being approved by New Mexico. The Application states that this water is needed by NMCC for the operation of a mine ("Mine") located close to the Rio Grande and Caballo Reservoir.

The Draft Environmental Impact Statement ("DEIS") for the Mine and the Hydrology Report prepared by John Shomaker & Associates, Inc. dated December 2017 reflect that the Mine will have a direct, large in magnitude, and long term impact on Compact water delivered by New Mexico to Texas in the Rio Grande and stored in Caballo Reservoir. The New Mexico Interstate Stream Commission ("NMISC") confirms this in a letter dated February 26, 2016, objecting to the DEIS. I wanted to put you on notice of Texas's concerns.

New Mexico is a party to the Rio Grande Compact, see Act of May 31, 1939, ch. 155, 53 Stat. 785 (the "Compact"), along with the States of Texas and Colorado. The Compact apportions the waters of the Rio Grande between the States of Colorado, New Mexico and Texas. The Compact also provides for the delivery of water to Mexico under a 1906 Treaty. New Mexico delivers Texas's apportioned water under the Compact in Elephant Butte Reservoir. At such time, the water belongs to Texas and is only available for use by Texas and certain contract and treaty parties in New Mexico, Texas and Mexico. New Mexico is prohibited from diverting or using Texas's water.

Texas is aware of NMCC's attempts to acquire rights to water that would purportedly offset the impacts to the Rio Grande and Caballo Reservoir. The fifteen year lease that NMCC has with the Jicarilla Apache Nation for San Juan Chama water that New Mexico may require as some type of offset for the diversion of Texas's Compact water would not come close to remedying the immediate and long term depletions to the Rio Grande and Caballo Reservoir caused by the Mine. In fact, NMCC states in the Application that it needs this water to operate the Mine. The DEIS states that the impacts to the Rio Grande and Caballo Reservoir will last over 100 years. A "so called" fifteen year offset that New Mexico calculates in its sole discretion does not remedy the harm to Texas that will be caused by the approval of the Application, even assuming as stated by the NMISC that such offset was in "real-time."

As you are aware, Texas sued New Mexico in the United States Supreme Court, see Texas v. New Mexico, Original No. 141. This case is currently before the Court and is moving forward toward trial and resolution, following the Court's denial of New Mexico's motion to dismiss. Discovery will commence soon.

The NMCC proposed actions and the granting of water rights by your office will directly and adversely impact Texas. New Mexico's approval of this action, as well as granting permits for other actions (such as the Gillis pump immediately below the Caballo Reservoir), are violations of the Compact. These ongoing violations reinforce Texas's action in the United States Supreme Court and add to its recoverable damages against New Mexico.

Sincerely,  
  
Pat Gordon,  
Texas Commissioner

cc: Kevin Rein, Colorado Compact Commissioner  
Hal Simpson, Federal Chairman, Rio Grande Compact Commission





## Pat Gordon

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**From:** Pat Gordon  
**Sent:** Thursday, April 26, 2018 12:57 PM  
**To:** david.ennis@state.nm.us  
**Subject:** New Mexico Copper Corporation (NMCC) - Mining Permit  
**Attachments:** Tom Blaine - Application for Permit to Appropriate NMCC - Notice of Viol....pdf

Dear Mr. Ennis:

I am the Rio Grande Compact Commissioner for the State of Texas. Attached is a letter delivered to Tom Blaine.

I want to reach out and put you on notice regarding Texas's concern and objection to the Copper Flat Mine, especially regarding its impacts relating to the quantity and quality of water in the Rio Grande and Caballo Reservoir, which is water delivered by New Mexico to Texas under the Rio Grande Compact. We believe the draft EIS issued by the BLM has errors and fails to address Compact issues which will damage Texas. Texas also has concerns with NMCC mitigating damages caused by its operations to the Rio Grande and waters in Caballo Reservoir with a lease of San Juan Chama water. Texas will raise further objections if mining permits are considered.

If you have questions, you can contact me at the address below.

Sincerely,

Pat Gordon  
Rio Grande Compact Commissioner

**Pat Gordon** | Partner  
4695 North Mesa Street | El Paso, TX 79912  
T (915) 545-1133 | F (915) 545-4433 | E [pgordon@eplawyers.com](mailto:pgordon@eplawyers.com)



**GORDON DAVIS JOHNSON & SHANE P.C.**

[EPLAWYERS.COM](http://EPLAWYERS.COM)

[DISCLAIMER](#)



## Pat Gordon

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**From:** Pat Gordon  
**Sent:** Thursday, April 26, 2018 1:01 PM  
**To:** brad.reid@state.nm.us  
**Subject:** FW: New Mexico Copper Corporation (NMCC) - Discharge Permit  
**Attachments:** Tom Blaine - Application for Permit to Appropriate NMCC - Notice of Viol....pdf

Dear Mr. Reid:

I am the Rio Grande Compact Commissioner for the State of Texas. Attached is a letter delivered to Tom Blaine.

I want to reach out and put you on notice regarding Texas's concern and objection to the Copper Flat Mine, especially regarding its impacts relating to the quantity and quality of water in the Rio Grande and Caballo Reservoir, which is water delivered by New Mexico to Texas under the Rio Grande Compact. We believe the draft EIS issued by the BLM has errors and fails to address Compact issues which will damage Texas. Texas also has concerns with NMCC mitigating damages caused by its operations to the Rio Grande and waters in Caballo Reservoir with a lease of San Juan Chama water. Texas will raise further objections if discharge permits are considered. We believe any discharge will have an adverse impact on waters delivered to Texas.

If you have questions, you can contact me at the address below.

Sincerely,

Pat Gordon  
Rio Grande Compact Commissioner

**Pat Gordon | Partner**  
4695 North Mesa Street | El Paso, TX 79912  
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**GORDON DAVIS JOHNSON & SHANE P.C.**

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**RECEIVED**

**AUG 02 2018**

**MINING & MINERALS DIVISION**

## **RIO GRANDE COMPACT COMMISSION**

**PATRICK R. GORDON**  
**TEXAS COMMISSIONER**

**401 E. FRANKLIN AVE., STE 560**  
**EL PASO, TEXAS 79901-1212**  
**TELEPHONE: (915) 834-7075**  
**FAX : (915) 834-7080**

July 30, 2018

**Via Electronic Mail  
and First Class Mail**

Mr. Fernando Martinez  
Director, Mining and Mineral Division  
New Mexico Energy, Minerals and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Mining Act Permit Hearing for Copper Flat Mine

Dear Director Martinez:

This letter acknowledges receipt of the Note of Public Hearing for Copper Flat Mine dated July 18, 2018 (the "Notice") scheduled by the Mining and Minerals Division ("MMD") for August 21<sup>st</sup> and 22<sup>nd</sup>, 2018 in Truth or Consequences, New Mexico, on the Mining Act Permit Application Package ("Application") submitted by New Mexico Copper Company ("NMCC") for the Copper Flat Mine in Sierra County, New Mexico (the "Mine").

Texas respectfully requests that the hearing be postponed until December 2018 or January 2019.

The MMD is well aware that there are many complex and controversial issues with the Application and Mine. Scheduling a hearing on the NMCC Application in August with only 30 days' notice is unreasonable and unfair to the many parties who could be impacted by the Mine, especially given the extremely complex and controversial nature of the Application. The record contains thousands of pages of technical documents, and it is still unclear what exactly constitutes the final Application to be reviewed. The final Environmental Assessment by the BLM has not been issued.

There are numerous landowners, business owners, agricultural interest, conservation organizations and government representatives which have expressed serious concerns about the potential effects of the Mine on the public health, natural environment, wildlife, and economy of the communities surrounding the Mine as well as downstream on the Rio Grande. Providing only 30 days' notice will effectively deprive these interested parties and the general public of the opportunity to express their concerns on the critical topic.

Texas is also concerned with the short notice because NMCC has not yet submitted a financial assurance proposal as required by the New Mexico Mining Act and its implementing regulations. Financial assurance for closeout is one of the most critical - and potentially controversial - elements of a Mining Act permit. Moreover, MMD has allowed NMCC to submit its financial assurance proposal within 30 days after receipt of a letter dated July 13, 2018. Thus, the financial assurance proposal need not be submitted until approximately one week before the hearing. That is not sufficient time to review and prepare comments and testimony on the proposal.

Texas has strong objections to the Application and Mine based on environmental issues as well as the substantial and long-term depletions that the Mine will have on water, in the Rio Grande and Caballo Reservoir, that belongs to Texas. If allowed, these actions will violate Texas's rights under the 1938 Rio Grande Compact. Texas is currently in litigation against New Mexico in the United States Supreme Court, see Texas v. New Mexico, Original No. 141, regarding Rio Grande Compact violations.

Among other things, the Application is flawed because NMCC is not entitled to deplete or use water that belongs to Texas, even if an offset (that was real time) was allowed. Furthermore, NMCC's alleged mitigation will mitigate nothing because San Juan Chama water leased from the Jicarilla cannot be used downstream of Elephant Butte Reservoir where the Mine's depletions will occur.

Attached are copies of written comments from Texas for the hearing that will be emailed as directed by the Notice of Public Hearing.

Thank you for considering this request.

Sincerely,

  
Pat Gordon

Texas Rio Grande Compact Commissioner





State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



July 18, 2018

**RE: Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico**

The Mining and Minerals Division ("MMD") will hold a public hearing on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The purpose of the hearing is to give the public an opportunity to learn about, and comment on, the requested New Mining Operation permit for the Copper Flat Mine. Representatives of both the MMD and New Mexico Copper Corporation ("NMCC") will be in attendance. The public notice for the public hearing is enclosed with this letter.

The public hearing is scheduled for **August 21 and 22, 2018 from 9:00 am to 7:00 pm on both days.**

The location of the public hearing will be at the **Truth or Consequences Civic Center/Ralph Edwards Auditorium, 400 West Fourth, Truth or Consequences, New Mexico, 87901.**

Comments regarding NMCC's request for a New Mining Operation permit for the Copper Flat Mine may be submitted to the Director of MMD at the following address:

Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Or by email at: [EMNRD-MMD.Director@state.nm.us](mailto:EMNRD-MMD.Director@state.nm.us)

Written comments must be received prior to the close of the hearing record set during the public hearing. Written comments may be submitted outside of the hearing process, or at the hearing.

The Permit Application Package and Draft Environmental Evaluation are available for review at the MMD Office in Santa Fe, NM, and may also be viewed on the MMD website at:

<http://www.emnrd.state.nm.us/mmd/MARP/PermitSI027RN.html>

Enclosure: Public Notice for Public Hearing on Copper Flat Mine

**Public Notice:  
Copper Flat Mine Public Hearing**

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division ("MMD") hereby gives notice of a public hearing on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The applicant for the permit is New Mexico Copper Corporation ("NMCC"), a wholly owned subsidiary of THEMAC Resources Group Limited. The Copper Flat Mine is located in Sierra County, approximately 30 miles southwest of Truth or Consequences and 5 miles northeast of Hillsboro.

**Mine Description**

The mine permit area is approximately 2,190 acres in size and will utilize Bureau of Land Management public land and private property. NMCC has applied for a New Mining Operation permit under the New Mexico Mining Act to extract approximately 125 million tons of copper ore during the anticipated 12-year lifespan of the mine. Annually, the mining operation will process approximately 11 million tons of copper ore through an on-site mill for extraction of copper, molybdenum, gold, and other metals. The ore body will be mined by conventional truck and shovel open pit methods. The mine will consist of a 900 foot deep open pit, crushers/grinders, sulfide flotation mill/concentrator, a lined 600 acre tailing impoundment, a 45 million ton waste rock disposal area, reclamation material stockpiles, low-grade ore stockpile, equipment laydown yard, fuel station, warehouses, and other ancillary facilities needed to operate the mine. Copper, molybdenum and coarse gold concentrates will be shipped in bulk form by truck for further off-site processing.

**Public Hearing**

The purpose of the public hearing is to give the public an opportunity to learn about and comment on the requested New Mining Operation permit for the Copper Flat Mine. A hearing officer will conduct the hearing on behalf of MMD and, pursuant to NM Mining Act Rule 19.10.9.905 NMAC, will have authority to take all measures necessary for the maintenance of order and decorum, and for the efficient, fair and impartial presentation of the requested New Mining Operation permit for the Copper Flat Mine and the receiving of public comments. The public hearing is not adjudicatory and no final decisions regarding the application will be made at the public hearing, nor will the hearing officer provide any recommendations to the MMD at the conclusion of the hearing. Rather, the hearing officer will provide MMD with a summary report that will summarize both technical and non-technical comments taken at the hearing so that the MMD Director may consider social, economic, technical and other issues that are raised at the public hearing. Any interested persons may provide verbal or written comments at the public hearing.

Representatives NMCC will provide a presentation of the requested New Mining Operation permit for the Copper Flat Mine. Afterwards, opportunity for public comments will be offered. Any interested person may testify at the hearing. A person who wants to present testimony should indicate this desire on the sign-in sheet before the hearing begins. Any person who testifies at the hearing is subject to cross-examination on the subject matter of his direct testimony. Any person attending the hearing is entitled to conduct such cross-examination as may be required for full disclosure of matters at issue in the hearing.



## **Noticia Pública: Audiencia Pública de Mina Copper Flat**

El Departamento de Energía, Minerales y Recursos Naturales de Nuevo México, División de Minería y Minerales ("MMD") da aviso de una audiencia pública sobre el Paquete de Solicitud de Permiso y el Borrador de Evaluación Ambiental en consideración de emitir un nuevo permiso de mina para la Mina Copper Flat en el Condado de Sierra, Nuevo México. El solicitante del permiso es New Mexico Copper Corporation ("NMCC"), una subsidiaria de THEMAC Resources Group Limited. La Mina Copper Flat está ubicada en el Condado de Sierra, aproximadamente a 30 millas al sudoeste de Truth or Consequences y 5 millas al noreste de Hillsboro.

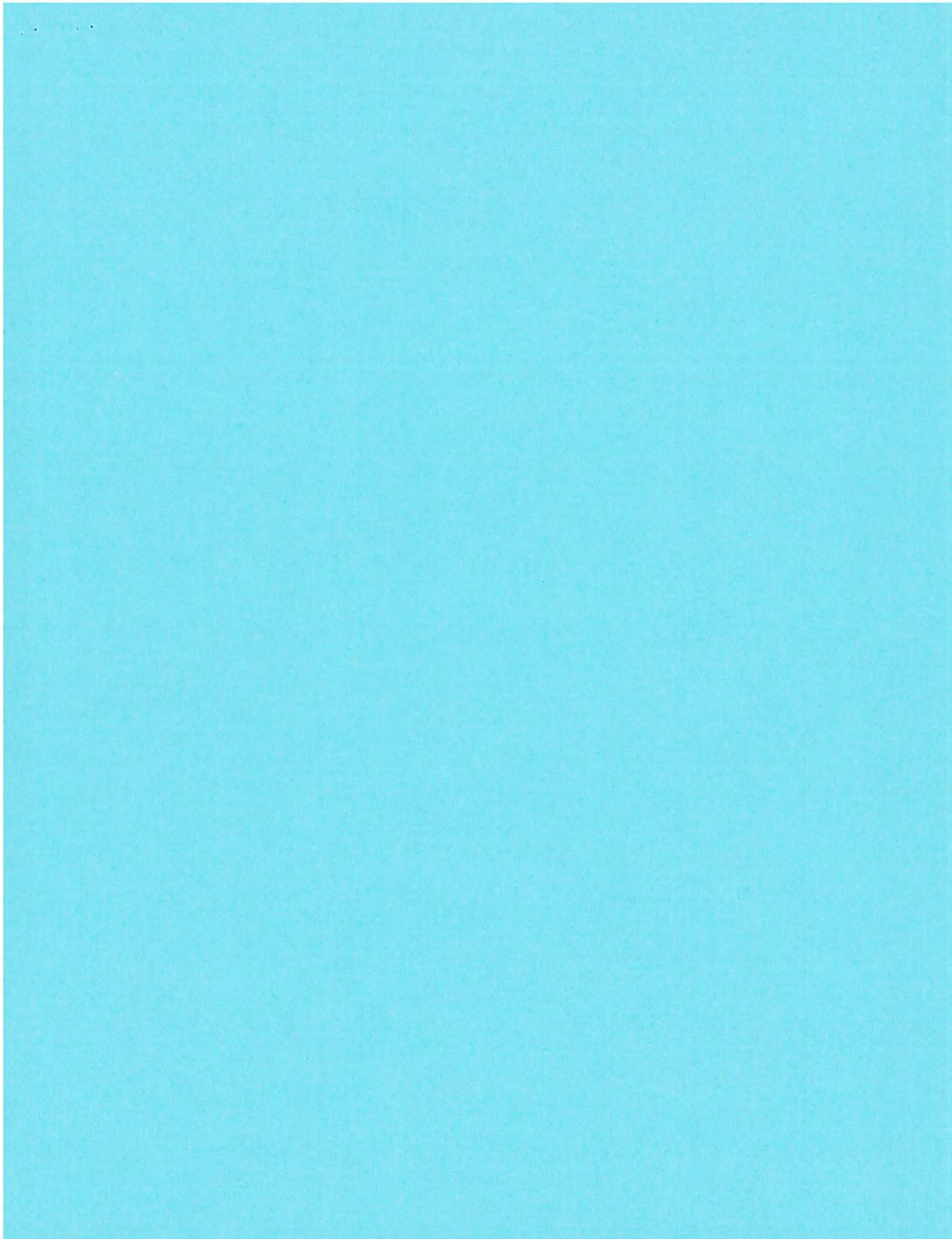
### Descripción de la Mina

El área de permiso de la mina tiene un tamaño aproximado de 2,190 acres y utilizará terrenos públicos y propiedad privada de la Oficina de Administración de Tierras ("BLM"). NMCC ha solicitado un permiso de Nueva Operación Minera bajo la Ley de Minería de Nuevo México para extraer aproximadamente 125 millones de toneladas de mineral de cobre durante la expectativa de vida de la mina de 12 años. Anualmente, la operación minera procesará aproximadamente 11 millones de toneladas de mineral de cobre a través de un molino in situ para la extracción de cobre, molibdeno, oro y otros metales. El yacimiento del mineral será extraído mediante métodos convencionales de camiones y palas a cielo abierto. La mina constará una excavación de un tajo de 900 pies de profundidad, trituradoras/amoladoras, molino/concentrador de flotación de sulfuro, un embalse de relaves de 600 acres, un área de rocas de desecho de 45 millones de toneladas, reservas de material de recuperación, reservas de mineral de baja ley, instalación de equipo, estación de combustible, almacenes y otras instalaciones auxiliares necesarias para operar la mina. Los concentrados de cobre, molibdeno y oro grueso trasladarán por camión para más procesamiento fuera del sitio.

### Audiencia Pública

El objetivo de la audiencia pública es ofrecerle al público la oportunidad de conocer y comentar sobre el permiso de la Nueva Operación Minera para la Mina Copper Flat. Un Oficial de Audiencia conducirá la audiencia en nombre de MMD y, de conformidad con la Ley de Minería de NM, Regla 19.10.9.905 NMAC, tendrá autoridad para tomar todas las medidas necesarias para el mantenimiento del orden y el decoro, y para la presentación eficiente, justa e imparcial de el nuevo permiso de operación minera solicitado para la Mina Copper Flat y la recepción de comentarios públicos. La audiencia pública no es adjudicativa y no se tomarán decisiones finales con respecto a la solicitud en la audiencia pública, ni el Oficial de Audiencia hará ninguna recomendación al MMD al finalizar la audiencia. Por el contrario, el Oficial de Audiencia preparará para MMD un informe resumido que resumirá los comentarios técnicos y no técnicos tomados en la audiencia para que el Director de MMD pueda considerar cuestiones sociales, económicas, técnicas y de otro tipo que surjan en la audiencia pública. Cualquier persona interesada puede presentar comentarios verbales o escritos en la audiencia pública.

Representantes NMCC dará una presentación del permiso de Nueva Operación Minera solicitado para la Mina Copper Flat. Luego, se ofrecerá una oportunidad para comentarios públicos. Cualquier persona interesada puede testificar en la audiencia. Una persona que desea presentar un testimonio debe indicar este deseo en la lista de asistencia antes de que comience la audiencia. Cualquier persona que testifique en la audiencia está sujeta a una serie de preguntas (un interrogatorio) sobre el tema de su testimonio directo. Cualquier persona que asista a la audiencia tiene derecho a interrogar el testigo que se requiera para la divulgación completa de los asuntos en cuestión en la audiencia. El oficial de la audiencia puede limitar el interrogatorio para evitar el acoso, la intimidación, el gasto de tiempo innecesario o indebido repetición. Todos los testimonios se tomarán bajo juramento o afirmación.





## RIO GRANDE COMPACT COMMISSION

PATRICK R. GORDON  
TEXAS COMMISSIONER

401 E. FRANKLIN AVE., STE 560  
EL PASO, TEXAS 79901-1212  
TELEPHONE: (915) 834-7075  
FAX : (915) 834-7080

May 17, 2018

Via Electronic Delivery

Mr. Doug Haywood, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

RE: Comments of the Draft Environmental Impact Statement from the Bureau of Land Management ("BLM") for the Copper Flat Copper Mine

Notice of violation of the Rio Grande Compact

Dear Mr. Haywood:

As the Texas Rio Grande Compact Commissioner, on behalf of the State of Texas, I submit these comments on the Draft Environmental Impact Statement ("DEIS") for the New Mexico Copper Corporation ("NMCC") proposed Copper Flat Copper Mine ("Mine" or "Project"). I understand that the DEIS was published in the Federal Register, Vol. 80, No. 229 on November 30, 2015. I understand the final EIS may be released in the summer of 2018.

Texas only recently became aware of the Mine in a meeting with the Bureau of Reclamation ("BOR") when during the meeting, the BOR informed Texas and Colorado that it had, in 2015, approved a lease contract for the delivery of San Juan Chama Water to the Elephant Butte Reservoir ("EBR") and Caballo Reservoir ("Caballo") for the Apache Jicarilla Tribe.<sup>1</sup>

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<sup>1</sup> Texas does not believe that San Juan Chama waters can be delivered by the BOR to Texas as Usable Water under the Compact without agreement of the Rio Grande Compact Commission. No accounting method is in place for delivery to Caballo as Usable Water in Project Storage. Further, the BOR does not have authority to augment deliveries without Compact Commission approval. The statements on page 15 of the John Shomaker & Associates, Inc. Hydrologic Report dated December 2017 that flows from the Jicarilla lease water will arrive at Caballo Dam are not accurate.

Texas is interested in the DEIS because of the effects that the proposed action and the proposed alternatives the Mine will have on the quantity and quality of waters apportioned and delivered to Texas under the Rio Grande Compact, Act of May 31, 1939, ch. 155, 53 Stat. 758 (the "Compact"). The Compact is an agreement between the States of Colorado, New Mexico and Texas which has been approved by Congress. The Compact apportions the waters of the Rio Grande among the States of Colorado, New Mexico and Texas. The apportionment is based on both the quantity and quality of water in the Rio Grande. Under the Compact, New Mexico is required to deliver to Texas its apportioned water from the Rio Grande. New Mexico is required to relinquish control of these delivered waters at EBR, which is above Caballo. The Compact also provides for the delivery of water from the Rio Grande to Mexico under a 1906 Treaty between the United States ("US") and Mexico.

Based upon our review of the DEIS, Texas has serious concerns regarding the Mine's affect upon the quantity and quality of water apportioned and delivered to Texas by New Mexico under the Compact. These concerns include the following:

1. Section 3.6.2.3.3 Summary of Groundwater Assessment of the DEIS states that the "Impacts to the regional water budget, including flows of the Rio Grande, would be significant." It further states that "These impacts would be large in magnitude, long-term, and certain" and that the "Impacts to water levels caused by the supply well field would be significant."<sup>2</sup>

These adverse impacts will have a clear and unmistakable adverse effect on the Compact as well as Texas's apportioned and delivered water under the Compact. Examples of the issues associated with the Mine's adverse impact on the Compact are described in the February 26, 2016 letter from New Mexico's own state agency, the New Mexico Interstate Stream Commission ("NISC"), where the NISC opposed the DEIS based in part on concerns that the diversion would adversely impact Usable Water in Project Storage in violation of the Compact. The NISC also described other significant Compact issues that would be created by the Mine, including storage impacts to the States of New Mexico and Colorado.

The DEIS itself and reports prepared for NMCC by its consultant, John Shomaker & Associates, corroborate that the Mine's operations, with wells situated in close proximity to Caballo, will impact Rio Grande flows and deplete water stored in Caballo.

2. Section 3.6.3 Mitigating Measures of the DEIS states that NMED and OSE (both New Mexico state agencies) have the authority to require mitigation of impacts "that are judged unacceptable in accordance with New Mexico regulations." It further states that "The BLM intends to rely on the State agencies to exercise their statutory authority in determining which impacts exceed allowable limits and what mitigating measures may be required by diversions caused by the Mine."<sup>3</sup>

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<sup>2</sup> The DEIS concludes that the impacts will last over 100 years. See pages 3-59 and 3-60.

<sup>3</sup> The concept that depletions from the Rio Grande or Caballo (water belonging to Texas under the Compact) can somehow be offset with waters below or upstream of the depletion (not in real time) based on New Mexico state law

This, however, is inconsistent with the Compact. Under the Compact, New Mexico is required to deliver annually an amount of apportioned water to Texas.<sup>4</sup> The delivery occurs in EBR in time for each irrigation season. Under the Rio Grande Project (“RGP”), which has been fully incorporated into the Compact, waters (defined as Usable Water in Project Storage) are released from EBR to Caballo for delivery to users (under contract) in New Mexico and Texas. All water in the Rio Grande released from EBR, including water stored in Caballo, is Texas’s apportioned water delivered by New Mexico under the Compact. This water is for the exclusive use of Texas for delivery to users (under contract) in New Mexico and Texas.

In 2013 Texas sued New Mexico and joined Colorado in the United States Supreme Court for violating the Compact. See Texas v. New Mexico, Original 141. The US intervened in the lawsuit against New Mexico. The Court appointed a Special Master to prepare a report. As stated in the Special Master’s report, “New Mexico must relinquish all control over the water delivered to Texas.” Therefore, any diversion of Texas’s water in the Rio Grande and Caballo for the Mine violates the Compact. The Compact does not provide that New Mexico (under its state law) can “offset” or “pay back” Texas for waters delivered to Texas under the Compact.<sup>5</sup> Once the water is delivered by New Mexico to Texas at EBR, New Mexico must relinquish all control over the water and further must not take any action to divert or interfere with Texas’s water to be delivered to its contract users.<sup>6</sup>

The DEIS assumes that under New Mexico state law, the impact to the Rio Grande and Caballo will be made whole by the New Mexico OSE as it determines under New Mexico State law. Even assuming New Mexico State law would apply, the Application for diversion filed in January 2018 which the OSE assumes that water under the Jicarilla lease will be used to offset any adverse impacts to the Rio Grande and Caballo does not come close to offsetting damages to the basin as referenced in the DEIS. The lease between NMCC and the Jicarilla is for 15 years, and is only based on when water is available. The lease also expires when the New Mexico OSE on its own decides further offsets are not required. The Mine is estimated to operate for approximately 12 years, but the damages to water basin (including the Rio Grande and Caballo) will be for over a 100 years.<sup>7</sup>

The US is a party to the Compact and is responsible for ensuring compliance by Colorado, New Mexico and Texas. This was unanimously confirmed by the United Supreme Court in its opinion decided on March 5, 2018 in which it recognized a significant role for the US in protecting the RGP as well as the integrity of the Compact. The Court further noted that

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and should not apply to waters delivered by New Mexico to Texas under the Compact. These delivered waters are not subject to New Mexico state law, which may permit exchanges or offsets among upstream its water users.

<sup>4</sup> The Compact also requires that the water be of a certain quality.

<sup>5</sup> There is no assurance for any offset. The lease provides for San Juan Chama only if available. As stated by the NISC, any meaning offset would have to be on a “real-time” basis.

<sup>6</sup> Even if possible, any offset would be downstream and would not mitigate actual upstream depletions to the Rio Grande and Caballo. Further, offsets would not be in real time.

<sup>7</sup> See pages 3-59 and 3-60 of the DEIS.



the US "as a sort of agent of the Compact" was charged with ensuring that the Compact's equitable apportioned waters were delivered to contracting parties in Texas and New Mexico.

Based on the Court's opinion, the BLM, as an agency of the US, should not simply delegate Compact obligations to a New Mexico state agency "to exercise their statutory authority in determining which impacts exceed allowable limits, and what mitigation measures may be required." This is not a state issue. Any adverse impact of Texas' water in the Rio Grande and Caballo violates the Compact.

3. The BLM has failed to undertake a groundwater basin study recommended by its own DEIS.<sup>8</sup> Page 4-8 of the DEIS states, "Surface Water Use: The Proposed Action and alternatives would reduce groundwater discharge to Caballo Reservoir and the Rio Grande, decreasing surface water quantities there. This impact is expected to have a long-term, large-extent, and probable cumulative effect on these surface water resources. The cumulative magnitude of the effect can only be determined through a comprehensive mid-basin study of Caballo Reservoir and the Rio Grande."

No such study has been conducted. The DEIS has a deficient and obviously glossed over and flawed hydrologic study of the impacts to the basin, including that amounts that would divert Rio Grande river flows and Caballo. The NISC estimates that the Mine would extract approximately 60,000 acre feet of water from the groundwater system and any recovery would come directly from the Rio Grande and Caballo. The NISC expressed concern that the estimates of damages to the water system in the DEIS are suspect and fail to accurately take into account that the recovery could take a hundred years. We concur with the NISC and along with other parties believe that a further supplemental hydrology study of the basin is critical and should be conducted to determine a true and accurate impact to the water basin. This should be done before the DEIS is finalized.

4. In addition to the impact on the quantity of water delivered to Texas under the Compact, Texas is concerned that the Mine will adversely impact the quality of water required to be delivered by New Mexico under the Compact. The DEIS describes the Mine as an open pit mine operation with open trailing ponds in close proximity to Caballo. Any spill or leak from these ponds would have a disastrous environmental impact on Texas's water which is used by farmers in Southern New Mexico and Texas and the City of El Paso.

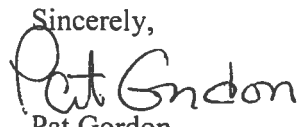
In summary, the Mine's proposed actions impact Texas's apportioned waters in the Rio Grande and Caballo that have been delivered by New Mexico to Texas, which violate the Compact. BLM has failed to do a supplemental comprehensive groundwater basin study as stated in the DEIS to determine the magnitude of these impacts. The DEIS improperly delegates the responsibility to protect Texas under the Compact to a New Mexico State agency. The Compact does not allow New Mexico to divert and then allegedly offset (or put back) waters that belong to Texas under the Compact. Texas will not be protected as stated in the DEIS. As confirmed by the USSC is its recent unanimous decision, the US as an agent for the Compact is responsible for ensuring that Compact water deliveries are made to Texas. Your DEIS violates your duty to Texas.

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<sup>8</sup> See pages 4-8 of the DEIS, which recommends a supplemental study of the basin.

We request that the BLM reconsider its position under the DEIS and take a closer look and evaluate the obligations that the US owes to Texas under the Compact.<sup>9</sup> We also believe supplemental studies to the basin should be conducted.

If you have questions, we are available to meet to present our concerns.

Sincerely,  
  
Pat Gordon  
Rio Grande Commissioner,  
State of Texas

cc: David Bernhardt, Deputy Secretary of Interior

Senator John Cornyn

Tom Blaine, New Mexico Compact Commissioner  
[Tom.Blaine@state.nm.us](mailto:Tom.Blaine@state.nm.us)

Kevin Rein, Colorado Compact Commissioner  
[kevin.rein@state.co.us](mailto:kevin.rein@state.co.us)

Maria O'Brien, General Counsel, EP#1  
[mobrien@modrall.com](mailto:mobrien@modrall.com)

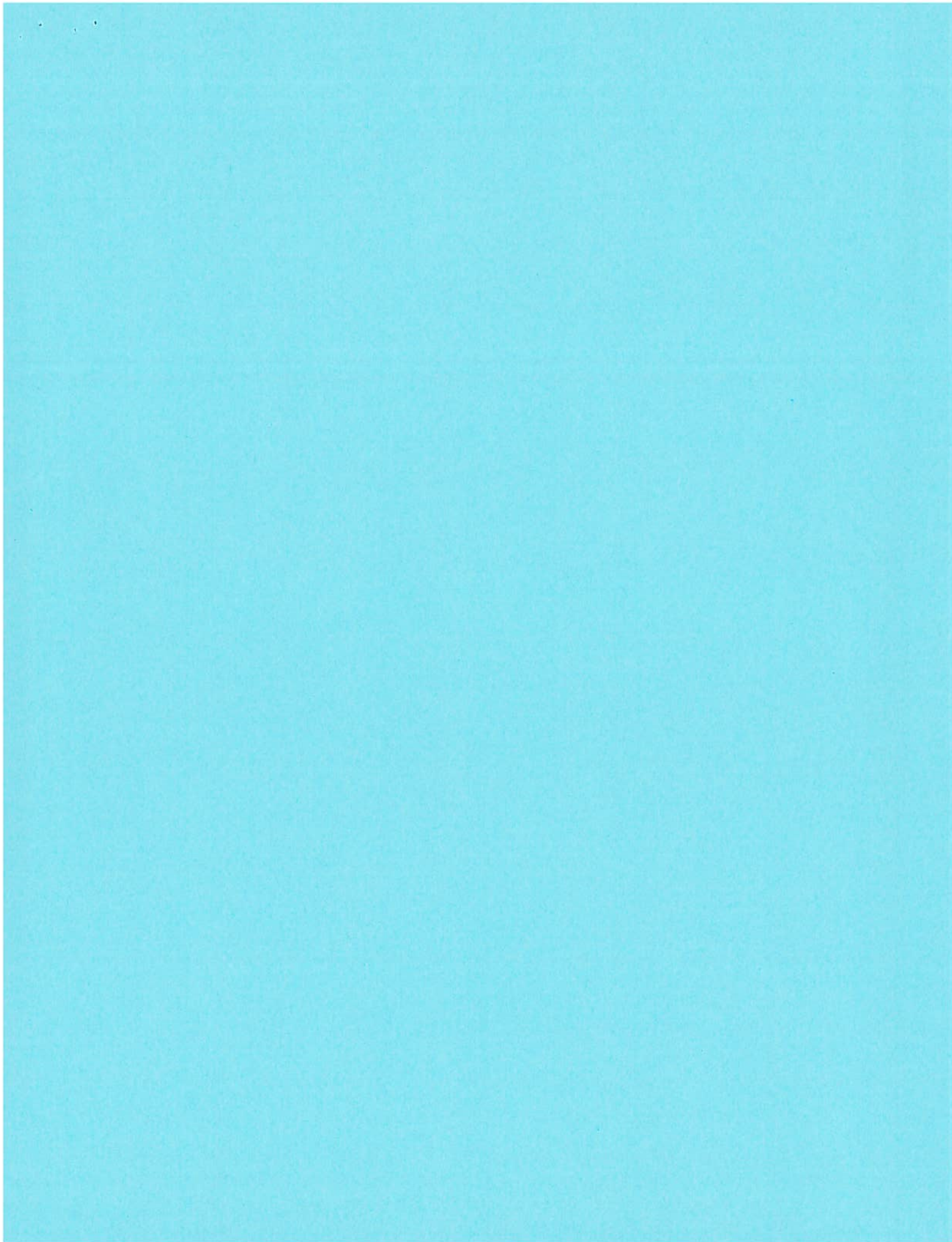
Samantha B. Salopek, General Counsel, EBID  
[samantha@h2o-legal.com](mailto:samantha@h2o-legal.com)

Edward Drusina, PE, United States International Boundary and Water Commissioner  
[Ed.Drusina@ibwc.gov](mailto:Ed.Drusina@ibwc.gov)

Stuart Sommach  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com)

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<sup>9</sup> The US owes and obligation to protect Colorado and Mexico as well.







## RIO GRANDE COMPACT COMMISSION

PATRICK R. GORDON  
TEXAS COMMISSIONER

401 E. FRANKLIN AVE., STE 560  
EL PASO, TEXAS 79901-1212  
TELEPHONE: (915) 834-7075  
FAX : (915) 834-7080

April 12, 2018

VIA ELECTRONIC MAIL AND  
FIRST CLASS MAIL

Mr. Tom Blaine  
New Mexico Compact Commissioner  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, New Mexico 87102

Re: Application for Permit to Appropriate – New Mexico Copper Corporation  
("NMCC") – Notice of Violation of Rio Grande Compact

Dear Commissioner Blaine:

Texas has recently been informed that an Application for Permit to Appropriate 5,234 acre feet of water (the "Application") by NMCC is in the process of being approved by New Mexico. The Application states that this water is needed by NMCC for the operation of a mine ("Mine") located close to the Rio Grande and Caballo Reservoir.

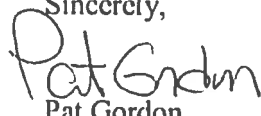
The Draft Environmental Impact Statement ("DEIS") for the Mine and the Hydrology Report prepared by John Shomaker & Associates, Inc. dated December 2017 reflect that the Mine will have a direct, large in magnitude, and long term impact on Compact water delivered by New Mexico to Texas in the Rio Grande and stored in Caballo Reservoir. The New Mexico Interstate Stream Commission ("NMISC") confirms this in a letter dated February 26, 2016, objecting to the DEIS. I wanted to put you on notice of Texas's concerns.

New Mexico is a party to the Rio Grande Compact, see Act of May 31, 1939, ch. 155, 53 Stat. 785 (the "Compact"), along with the States of Texas and Colorado. The Compact apportions the waters of the Rio Grande between the States of Colorado, New Mexico and Texas. The Compact also provides for the delivery of water to Mexico under a 1906 Treaty. New Mexico delivers Texas's apportioned water under the Compact in Elephant Butte Reservoir. At such time, the water belongs to Texas and is only available for use by Texas and certain contract and treaty parties in New Mexico, Texas and Mexico. New Mexico is prohibited from diverting or using Texas's water.

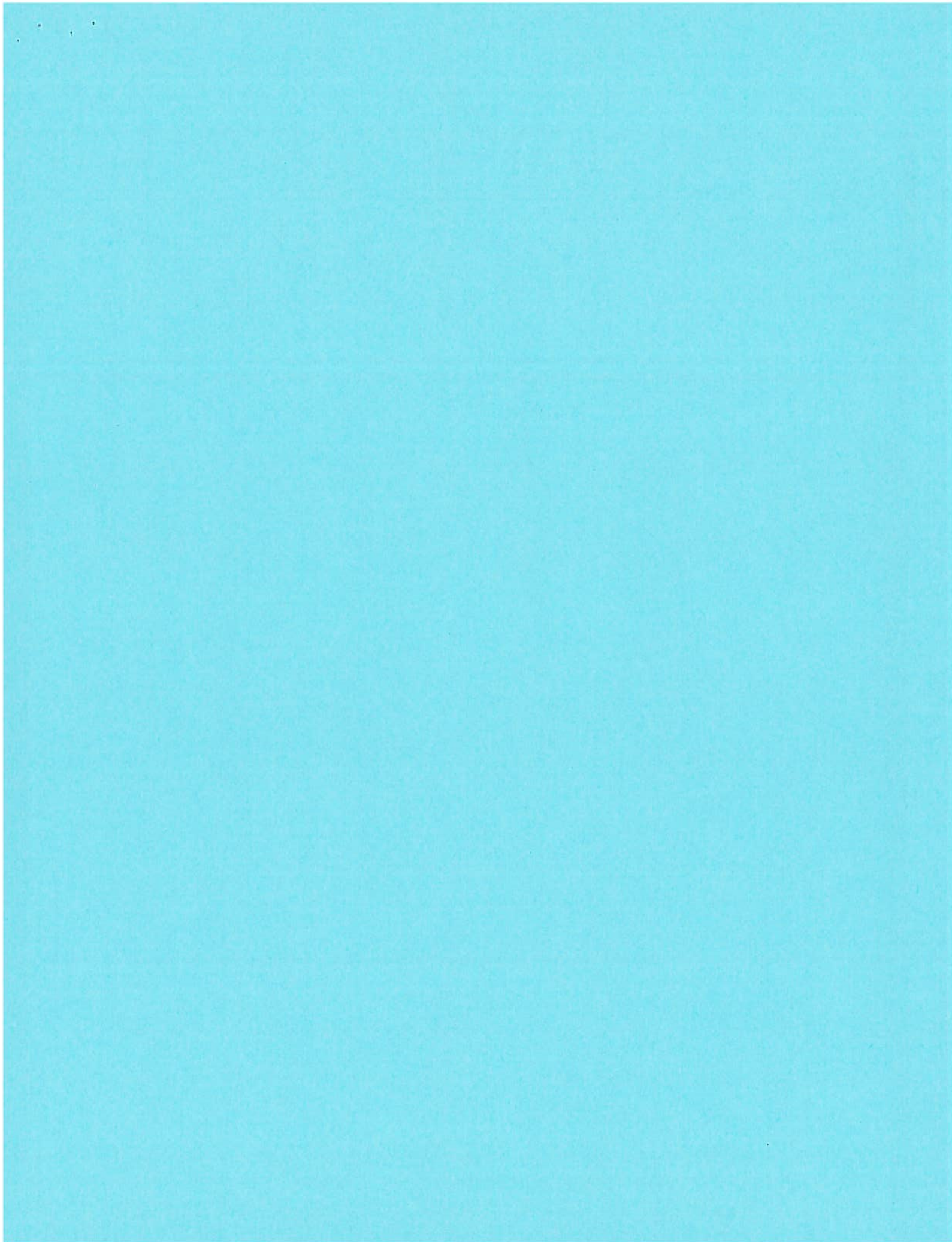
Texas is aware of NMCC's attempts to acquire rights to water that would purportedly offset the impacts to the Rio Grande and Caballo Reservoir. The fifteen year lease that NMCC has with the Jicarilla Apache Nation for San Juan Chama water that New Mexico may require as some type of offset for the diversion of Texas's Compact water would not come close to remedying the immediate and long term depletions to the Rio Grande and Caballo Reservoir caused by the Mine. In fact, NMCC states in the Application that it needs this water to operate the Mine. The DEIS states that the impacts to the Rio Grande and Caballo Reservoir will last over 100 years. A "so called" fifteen year offset that New Mexico calculates in its sole discretion does not remedy the harm to Texas that will be caused by the approval of the Application, even assuming as stated by the NMISC that such offset was in "real-time."

As you are aware, Texas sued New Mexico in the United States Supreme Court, see Texas v. New Mexico, Original No. 141. This case is currently before the Court and is moving forward toward trial and resolution, following the Court's denial of New Mexico's motion to dismiss. Discovery will commence soon.

The NMCC proposed actions and the granting of water rights by your office will directly and adversely impact Texas. New Mexico's approval of this action, as well as granting permits for other actions (such as the Gillis pump immediately below the Caballo Reservoir), are violations of the Compact. These ongoing violations reinforce Texas's action in the United States Supreme Court and add to its recoverable damages against New Mexico.

Sincerely,  
  
Pat Gordon,  
Texas Commissioner

cc: Kevin Rein, Colorado Compact Commissioner  
Hal Simpson, Federal Chairman, Rio Grande Compact Commission



## Pat Gordon

---

**From:** Pat Gordon  
**Sent:** Thursday, April 26, 2018 12:57 PM  
**To:** david.ennis@state.nm.us  
**Subject:** New Mexico Copper Corporation (NMCC) - Mining Permit  
**Attachments:** Tom Blaine - Application for Permit to Appropriate NMCC - Notice of Viol....pdf

Dear Mr. Ennis:

I am the Rio Grande Compact Commissioner for the State of Texas. Attached is a letter delivered to Tom Blaine.

I want to reach out and put you on notice regarding Texas's concern and objection to the Copper Flat Mine, especially regarding its impacts relating to the quantity and quality of water in the Rio Grande and Caballo Reservoir, which is water delivered by New Mexico to Texas under the Rio Grande Compact. We believe the draft EIS issued by the BLM has errors and fails to address Compact issues which will damage Texas. Texas also has concerns with NMCC mitigating damages caused by its operations to the Rio Grande and waters in Caballo Reservoir with a lease of San Juan Chama water. Texas will raise further objections if mining permits are considered.

If you have questions, you can contact me at the address below.

Sincerely,

Pat Gordon  
Rio Grande Compact Commissioner

**Pat Gordon | Partner**  
4695 North Mesa Street | El Paso, TX 79912  
T (915) 545-1133 | F (915) 545-4433 | E [pgordon@eplawyers.com](mailto:pgordon@eplawyers.com)

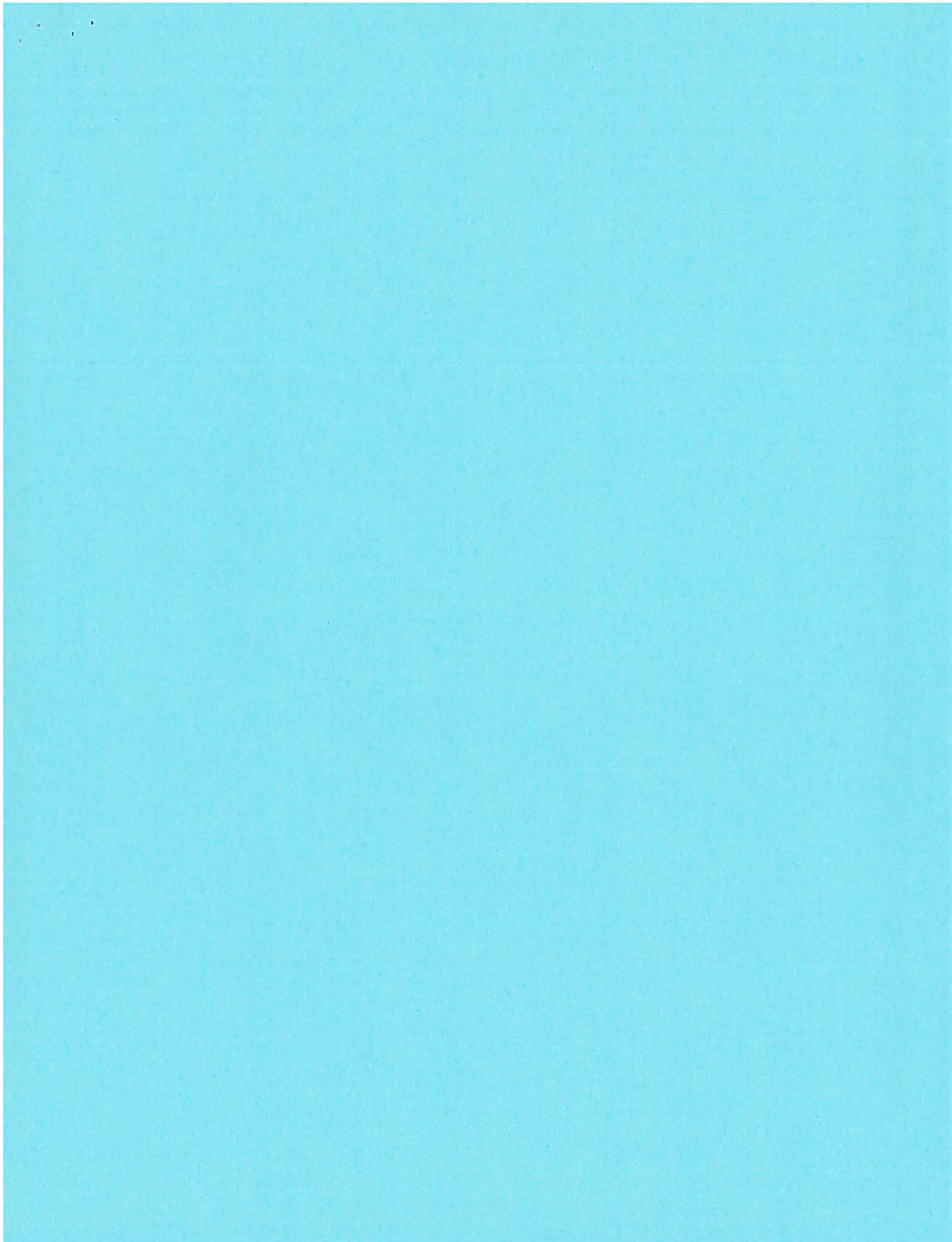


**GORDON DAVIS JOHNSON & SHANE P.C.**

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## Pat Gordon

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**From:** Pat Gordon  
**Sent:** Thursday, April 26, 2018 1:01 PM  
**To:** brad.reid@state.nm.us  
**Subject:** FW: New Mexico Copper Corporation (NMCC) - Discharge Permit  
**Attachments:** Tom Blaine - Application for Permit to Appropriate NMCC - Notice of Viol....pdf

Dear Mr. Reid:

I am the Rio Grande Compact Commissioner for the State of Texas. Attached is a letter delivered to Tom Blaine.

I want to reach out and put you on notice regarding Texas's concern and objection to the Copper Flat Mine, especially regarding its impacts relating to the quantity and quality of water in the Rio Grande and Caballo Reservoir, which is water delivered by New Mexico to Texas under the Rio Grande Compact. We believe the draft EIS issued by the BLM has errors and fails to address Compact issues which will damage Texas. Texas also has concerns with NMCC mitigating damages caused by its operations to the Rio Grande and waters in Caballo Reservoir with a lease of San Juan Chama water. Texas will raise further objections if discharge permits are considered. We believe any discharge will have an adverse impact on waters delivered to Texas.

If you have questions, you can contact me at the address below.

Sincerely,

Pat Gordon  
Rio Grande Compact Commissioner

**Pat Gordon | Partner**  
4695 North Mesa Street | El Paso, TX 79912  
T (915) 545-1133 | F (915) 545-4433 | E [pgordon@eplawyers.com](mailto:pgordon@eplawyers.com)



**GORDON DAVIS JOHNSON & SHANE P.C.**

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[DISCLAIMER](#)

## Ennis, David, EMNRD

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**From:** Allyson Siwik via ActionNetwork.org <info@sg.actionnetwork.org>  
**Sent:** Friday, October 26, 2018 5:15 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] New Mexico Mining and Minerals Division, Deny the Copper Flat New Mine Operation Permit  
**Attachments:** deny-copper-flat-mine-operation-permit\_signatures\_201810261115.pdf

New Mexico Mining and Minerals Division,

195 people have signed a petition on Action Network telling you to Deny the Copper Flat New Mine Operation Permit.

Here is the petition they signed:

I am writing to you regarding the new mine operation permit for the Copper Flat Mine in Hillsboro, New Mexico.

I am very concerned that the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine operation permit are inadequate to protect the environment, surrounding communities, and public health, and to create a self-sustaining ecosystem when the mine closes.

The permit should be denied at this time for the following reasons:

- NM Copper Corporation does not have sufficient water rights to operate and properly close the mine.
- If the mine were to obtain the water rights for use of 6,100 acre-feet per year of water to operate and close the mine, the draw down will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies.
- The Closure/Closeout Plan will not lead to a self-sustaining ecosystem as required by the Mining Act.

- Best Management Practices are not proposed to limit dust, light, and noise and to protect human health and safety, the environment, wildlife, and domestic animals as mandated under the Mining Act.

- The proposed financial assurance is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.

Thank you for your consideration of my comments.

You can view each petition signer and the comments they left you in the attached PDF.

Thank you,

Allyson Siwik



Sent via Action Network, a free online toolset anyone can use to organize. [Click here to sign up](#) and get started building an email list and creating online actions today.

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New Mexico Mining and Minerals Division,

195 people have signed a petition on Action Network telling you to Deny the Copper Flat New Mine Operation Permit.

Here is the petition they signed:

I am writing to you regarding the new mine operation permit for the Copper Flat Mine in Hillsboro, New Mexico.

I am very concerned that the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine operation permit are inadequate to protect the environment, surrounding communities, and public health, and to create a self-sustaining ecosystem when the mine closes.

The permit should be denied at this time for the following reasons:

- NM Copper Corporation does not have sufficient water rights to operate and properly close the mine.
- If the mine were to obtain the water rights for use of 6,100 acre-feet per year of water to operate and close the mine, the draw down will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies.
- The Closure/Closeout Plan will not lead to a self-sustaining ecosystem as required by the Mining Act.
- Best Management Practices are not proposed to limit dust, light, and noise and to protect human health and safety, the environment, wildlife, and domestic animals as mandated under the Mining Act.
- The proposed financial assurance is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.

Thank you for your consideration of my comments.

You can view each petition signer and the comments they left you below.

Thank you,

Allyson Siwik

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**1. L. Watchempino** (*ZIP code: 87034*)

**2. Asher Gelbart** (*ZIP code: 88049*)

**3. althea booth Athenian** (ZIP code: 88061)

Just because a company is Powerful does not equal taking irresponsibly action that affects so many humans as well as environment.

**4. Alice Rickle** (ZIP code: 88061)

**5. Allyson Siwik** (ZIP code: 88061)

**6. Amanda Brown** (ZIP code: 87111)

**7. Catherine McDonald** (ZIP code: 87931)

To take perfectly pristine water.

, contaminate it and then let it sit in that state forever is insane. Water is life. Lets beef up recycling of all metals and phase out mining.

**8. Anke Ewerbeck** (ZIP code: 88042)

**9. Ann Mumford** (ZIP code: 87506)

**10. Nancy Kaminski** (ZIP code: 88041)

Do NOT allow the new mine operation permit for the Copper Flat Mine. It will NOT provide jobs or a decent environment for us the local residents.

**11. A.T. & Lucinda Cole** (ZIP code: 88061)

The reasons why this proposal should be rejected are all well known to you. in the most fundamental sense, New Mine's application contains a number of outright falsehoods. There is simply no way this proposal serves the common good.

**12. Alan Ley** (ZIP code: 87123)

**13. Anne Anders** (ZIP code: 88042)

Look how the mine has destroyed Bayard and surrounding towns. Silver City looks like a ghost town. I was over there this past Tuesday! I don't want that to happen to us ! Our water is precious!

**14. Bruce Donnell** (ZIP code: 87506-2192)

**15. Donna Hayward** (ZIP code: 87931)

**16. Barbara Goede** (ZIP code: 87505)

**17. Patricia Burch-Vaughn** (ZIP code: 88061)

**18. Rebecca Summer** (ZIP code: 88061)

**19. An anonymous signer** (ZIP code: 87529)

We can't afford to lose this much water in clearly a very dry area and time. Not do we accept the pollution that goes with this mining.

**20. Betty Dutton** (ZIP code: 87931)

**21. Bonnie Gestring** (ZIP code: 59801)

**22. Barbara howard** (ZIP code: 87535)

**23. William Lindenau** (ZIP code: 88042)

Please stop this and save the watershed.

**24. Barbara Basler** (ZIP code: 87501)

Deny this permit!

**25. Dr. Kathleen Blair** (ZIP code: 88042)

I strongly oppose this mine due to the perminant disruption of the watertable; the exessise risk to both surface and sub surface water quality; creation of a perminant pollution water body that will impact migratory waterfowl and other wildlife; high risk of air pollution and dust contaminating soil and water from the tailings; lack of adequate preparation for climate change impacts on local weather events; economic damages to local farmers. Ranchers, tourism including risk to caballo reservoir; and a misleading overstated jobs and economic prospect that will be temoprary at best while damages will be perminant. Sierra county does not need its own superfund site.

**26. Edward Spencer** (ZIP code: 88061)

A fragile desert area will be made even more fragile and lessen the possible use for alternative activities.

**27. Lisa Burroughs** (ZIP code: 44004-2002)

Yes Travelling US Cotizen

**28. Betsy Wolf** (ZIP code: 87571)

**29. Yvonne Griffith** (ZIP code: 37858)

**30. candi Browne** (ZIP code: 87901)

I agree with every point stated in this petition !

**31. Janice Richmond** (ZIP code: 88042)

Water is more valuable than the ore they want to remove. Water is life. Don't let them remove it from our eco system.

**32. Cathy Owens** (ZIP code: 88061)

**33. Claire Dishman** (ZIP code: 87505)

Deny this permit. Enough ravaging of sacred sites in New Mexico.

**34. Carol Ann Fugagli** (ZIP code: 88061)

**35. Chantal Mitchell** (ZIP code: 87901)

**36. Chiemi Ash** (ZIP code: 88049)

Deny, deny, deny!

**37. Chiemi Ash** (ZIP code: 88049)

This is too detrimental to the environment. This permit needs to be denied!

**38. claire DGaia** (ZIP code: 28714)

**39. Colleen Kernahan** (ZIP code: 88061)

**40. Brett Myrick** (ZIP code: 88038)

**41. Caroline Metzler** (ZIP code: 88061)

We need to care for our water and natural resources rather than ignoring the negative impacts of mining on our lands.

**42. Erica Rizzo** (ZIP code: 87901)

**43. Susan Lynch** (ZIP code: 87901)

This is bad for the water, the land, animals and people. Please stop it!

**44. Robert Brooks** (ZIP code: 88011)

Please deny this permit. Using the amount of water that is proposed is negligent use of water. Water is New Mexico's most precious natural resource. Water is the blood of life. For future generations please deny this permit.

**45. Lara Nock** (ZIP code: 87939)

**46. Diana Tittle** (ZIP code: 87901)

For all the reasons stated above, I oppose the granting of the mining permit for the Copper Flat project. Furthermore, permitting a project that doesn't have the needed water rights is putting the cart before the horse. How can you rule on the adequacy of logistics that are yet to be determined?

**47. Donna Catterick** (ZIP code: 87901)

**48. Donna Monroe** (ZIP code: 87901)

**49. Dori Basilius** (ZIP code: 88061)

Deny the permit

**50. Dulcie Ford** (ZIP code: 81430)

This is a poorly planned and poorly funded project that offers high risk and low reward to the economy and community of Sierra County.

**51. Dayna Logan** (ZIP code: 87901)

STOP THE MINE!!!

**52. Isaac Eastvold** (ZIP code: 87901)

I fully support the well-researched GRIP comments on this project.

**53. John E. Arguello** (ZIP code: 88023)

We can not afford to be wasting our precious water resources..

**54. Eleanor Bravo** (ZIP code: 87048)

MMD should DENY the New Mine Operation Permit. The Mine's Water Use Would Seriously Damage Sierra County and Beyond. Permit Will Not Lead to "Self-Sustaining Ecosystem".

**55. Elise Curtin** (ZIP code: 87901-2133)

To Whom It May Concern,

I am a resident of Truth or Consequences, in Sierra County, New Mexico. My partner and I bought a home and relocated here from New York in 2014-2015, largely because of the vast wilderness and protected land surrounding this area, as well as the hot mineral springs, relative peace and quiet, and a job opportunity with Ted Turner Expeditions (TTX).

In January of 2018, we gave birth to a baby girl. My partner has been employed as a Tour Guide with TTX on the Armendaris and Ladder Ranches since early 2015, and we are now building a family here. We will be directly affected by the proposed reopening of the Copper Flat Mine; it will impact his job security, our county's water safety, and the natural beauty and wildlife we treasure so deeply in Sierra County.

We are not alone in this, and we stand behind every word of the presentation given at the public hearing on Tuesday, October 23, 2018, by Steve Dobrott on behalf of TTX.

**56. Ella Joan Fenoglio** (ZIP code: 87110-6178)

Please DENY this permit. It would harm the environment now and for generations to come.

**57. CAROLBETH ELLIOTT** (ZIP code: 88061)

**58. CHARLES BARRETT** (ZIP code: 88042)

**59. Danny Yeary** (ZIP code: 87901)

Prayer:

Please dear GOD deny the Copper Flat New Mine Operation Permit in your Holy name for the sake of

your Christian followers  
Thank you,  
AMEN

**60. Eric Schack** (*ZIP code: 88046*)

Allowing this project is an extremely bad idea.

**61. Erika Wanenmacher** (*ZIP code: 87505*)

**62. Frances Penvenne** (*ZIP code: 88049*)

**63. Dianne Maughan** (*ZIP code: 88061*)

We have done enough, more than our share, in supplying minerals and metals to this country. Leave us alone!

**64. Gary Edwards** (*ZIP code: 88061*)

The cost to the environment is not worth the financial benefit.

**65. Gary Brooker** (*ZIP code: 87501*)

**66. Gary Gritzbaugh** (*ZIP code: 88042*)

As a long time resident of Hillsboro and many years as a member of the Board of our water system, I strongly oppose the reopening of the mine due to future pollution of the water available to our community. Thank you

**67. Sandra and Glenn Griffin** (*ZIP code: 88061*)

**68. Arifa Goodman** (*ZIP code: 87564*)

**69. William Groll** (*ZIP code: 87114*)

**70. Gwen Deely** (*ZIP code: 10009*)

Don't let greed pollute land and water!

**71. Anne Widmark** (*ZIP code: 87501-2835*)

**72. Ben Lewis** (*ZIP code: 88042*)

**73. Karen Reece** (*ZIP code: 92227*)

**74. David Webster** (*ZIP code: 87901*)

This project is especially dangerous in the current conditions of drought in the area.

**75. james jacobsen** (*ZIP code: 87901*)

**76. Jan Thedford** (ZIP code: 87901)

For all the reasons listed, please deny the permit.

**77. Jan Olsen** (ZIP code: 87010)

**78. Jeff Ray** (ZIP code: 88061)

**79. tatiana druffel** (ZIP code: 88061)

**80. James Faris** (ZIP code: 87505)

**81. MARY JEBSEN** (ZIP code: 87505)

Please the mine operation permit

**82. John Conway** (ZIP code: 88061)

**83. Jan Haley** (ZIP code: 88042)

**84. James and Teresa Harthun** (ZIP code: 87931-0172)

**85. James Ciania** (ZIP code: 88042)

**86. Janiece Jonsin** (ZIP code: 87501)

Please deny the permit for the new mine operation due to a shortage of clean water in our state. We need water for agriculture, not copper. Pumping up to 6,100 afy would lower the water table around the mine site. This will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies.

**87. Jessica Logreira** (ZIP code: 87901)

**88. John Wilson** (ZIP code: 87825)

Water use now and in the future should inform every decision we make. This is especially true in areas like New Mexico where water availability will become less with time as climate changes. Mining cannot continue as it did in the past. There is no excuse for careless and selfish decisions today that will handicap those who come after us. Copper Flat Mine should not be allowed to operate as if we were still ignorant of these current realities.

**89. Judith Bennett** (ZIP code: 87931)

**90. Judith Segall** (ZIP code: 87106)

**91. Juliana Henderson** (ZIP code: 87508)

**92. Joseph Zummach** (ZIP code: 88028)

The age of cut and run extractive industry is over, its time fo a conservative approach to resource management for future generations.

**93. Denise Evans** (ZIP code: 88049)

**94. An anonymous signer** (ZIP code: 87901)

Referencing the 5,000 Honduran refugee march to the US: How is the public any better protected from water depletion and groundwater pollution than the Hondurans were?

**95. Kim Irwin** (ZIP code: 10009)

**96. Kristina Fisher** (ZIP code: 87501)

I live in Santa Fe, but frequently visit Sierra County for outdoor recreation. This mine would impair those uses and reduce economic development from visitors like me.

**97. Kyle Meredith** (ZIP code: 88061-3425)

**98. lydia dixon** (ZIP code: 87901)

**99. Liana Sun** (ZIP code: 87514)

**100. Joseph Ash** (ZIP code: 88049)

**101. Lisa Jimenez** (ZIP code: 88061)

**102. Leslie Barclay** (ZIP code: 87505)

We don't need any more of our precious water to be used for mining purposes. AND we don't need any more pollution from mining activities !

**103. Lois Elting** (ZIP code: 87901)

**104. Dennis Dunnum** (ZIP code: 87901)

This is NOT a good idea for Sierra County. Water is life here, literally! Sucking the amount of water out of the Rio Grande aquifer while the climate is getting drier is insane. We have commitments to farmers and other industries downstream that we are not meeting already. This would be disastrous.

**105. Lynn Lee** (ZIP code: 87501)

**106. Melissa Amarello** (ZIP code: 88062)

**107. William Brown** (ZIP code: 87901)

**108. Majorie Powey** (ZIP code: 87942)



This mine is potentially devastating to our water supply and environment. The amount of water used will affect ranchers and farmers and the potential for environmental contamination from the tailings pond would be catastrophic.

**109. Matthew Young** (*ZIP code: 55108*)

We need environmentally sustainable futures beyond mining!

**110. Max Yeh** (*ZIP code: 88042*)

270 intermittent and temporary jobs are not worth the acknowledged degradation to natural resources, and they certainly are not worth enough water for the lives of 25,000 people.

**111. Mary Burton Riseley** (*ZIP code: 88028*)

**112. Jane Gillespie** (*ZIP code: 88038*)

The Copper Flat mine will use exorbitant amounts of water and pollute natural water sources. The trucks will damage the local road, and the mine tailings and waste will be toxic to humans and wildlife.

**113. melissa green** (*ZIP code: 88061*)

**114. Jessica Brooks** (*ZIP code: 88043*)

**115. Michael Eatough** (*ZIP code: 87935*)

**116. Carol Davis** (*ZIP code: 87935*)

**117. Mario Manzo** (*ZIP code: 87549*)

When humans grow up they will behave knowing they are responsible for the consequences of their actions. Making money is no excuse for ignoring water over-use and the toxicity of any enterprise.

**118. Ross Lockridge** (*ZIP code: 87010*)

For starters, the permit should be denied because NM Copper Corporation (NMCC) says it needs up to 6,100 acre-feet per year (afy) of fresh water, would drain and damage local streams, send heavy ore trucks on roads that can't take the weight and therefore cost the taxpayers, & a permit would not lead to a "self-sustaining ecosystem" once the mine closes, as is required by the Mining Act!

**119. Mary Visarraga** (*ZIP code: 87901*)

We have to stop destroying the planet.

**120. Nancy Williamson** (*ZIP code: 88041*)

**121. Nina Anthony** (*ZIP code: 87564*)

The Mine's water use will reduce flow in the Rio Grande and lower the water table around the mine site. We are in the midst of a severe drought. There is insufficient water to operate a mine here!

**122. Norty Kalishman** (*ZIP code: 87106*)

**123. Doc Campbell** (ZIP code: 88062)

The state environmental department hasn't even ruled. There is no assurance they are capable of cleaning up problems. There is not enough water for this kind of assault on the lands. How many more disasters do you want to support?

**124. James Laupan** (ZIP code: 88042)

This mine is a threat to the local inhabitants, human and wild, please deny the opening!

**125. sonia macdonald** (ZIP code: 87821)

**126. Mike Lewinski** (ZIP code: 87577)

**127. Ova Luethye** (ZIP code: 87901)

**128. Pamela Bryant** (ZIP code: 88061)

**129. Ronald Parry** (ZIP code: 88061)

**130. Catherine Swain** (ZIP code: 88062)

Best management practices are imperative! I'm not against mining. I'm against disregard for safeguarding our environment, neglecting to put in liners, and keeping wildlife from entering the toxic ponds.

**131. Carol Pittman** (ZIP code: 87821)

We are no longer a country of unlimited resources, and our most precious scarce resource is water. I am literally horrified that this permit is being considered. If the permit is granted, the operation will seriously damage groundwater, a resource we all depend on for life. It's time New Mexico stopped depending on exploiting natural resources and developed a modern economy.

**132. Patricia Beres** (ZIP code: 87901)

Water is all we have of value here and they want to sell it. In the future it will be worth triple the price and should still not be sold. Water belongs to the people of the state not a government of any firm

**133. Pat Wolph** (ZIP code: 88061)

**134. R.A.L. West** (ZIP code: 87571)

To approve this would be insanity incarnate!! NO!!!!

**135. Reid Bandeen** (ZIP code: 87043)

A terrible idea for the residents of the Hillsboro area, whose ground water resources will be at risk for years to come.

**136. Marc Choyt** (ZIP code: 87505)

Large scale mines should not be allowed to destroy our water resources needed for New Mexicans, and our children, to survive.

**137. Carol and Richard Martin (ZIP code: 88061)**

The Mine's Water Use Would Seriously Damage Sierra County and Beyond – NM Copper Corporation (NMCC) says it needs up to 6,100 acre-feet per year (afy) of fresh water. NMCC has water rights for only 900 afy, which is insufficient to operate and properly close the mine. Pumping up to 6,100 afy would lower the water table around the mine site. This will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies. Pumping up to 6,100 afy would reduce flow in the Rio Grande.

Permit Will Not Lead to “Self-Sustaining Ecosystem” – The mine permit will not lead to a “self-sustaining ecosystem” after the mine closes as required by the Mining Act. The pit lake has no provision to reduce toxicity sufficient to allow use by wildlife that will be drawn to the water. The waste rock piles have no liners, which could mean constant acid drainage from that site. As proposed, the mining operation will need perpetual maintenance and treatment, which is not allowed under the Mining Act.

Financial Assurance is Inadequate – The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation. NMED has said they want at least a 100-year period of post-mining monitoring and maintenance at the site, but so far, NM Copper Corporation and its foreign owners want just 25 years.

NM Environment Department's Determination Not Made Yet – NMED is required to provide MMD with a determination that the mine as proposed will meet state Water Quality Act requirements, but NMED has not yet made that determination. NMED's draft discharge permit as a whole is inadequate. Unless NMED revises its permit, it cannot determine that the mine will meet the requirements of the Water Quality Act.

Best Management Practices Are Not Proposed – MMD needs to place permit conditions requiring the most appropriate technology and best management practices to limit dust, light, and noise, as well as the most appropriate technology and best management practices to protect human health and safety, the environment, wildlife, and domestic animals as mandated under the Mining Act.

Transport Trucks Would Severely Damage Highway 152 – Hwy 152 does not have the substructure required for the weight of a daily stream of heavy ore trucks on its surface. The NM Highway Department does not have the funds to make up the difference between actual cost for repairs and the NMCC contribution to costs.

**138. ROSEMARIE LOPEZ (ZIP code: 87501)**

**139. Joyce Brodsky (ZIP code: 88042)**

Wasteful use of our precious water. An open invitation to our wildlife to be poisoned, especially migrating birds by their proposed nearly 1 square mile trailings pool. Destruction of our just resurfaced highways by heavy ore trucks. Why should an Australian make money from all of our communities losses?

**140. Robin Tuttle** (ZIP code: 88042)

**141. Bart Roselli** (ZIP code: 88061)

The NMCC has not shown how they will remediate the property when they are done and even more worrisome is their plan to use so much more water than we can afford.

**142. Robert Watson** (ZIP code: 87821)

**143. RG Kinsey Allen** (ZIP code: 87048)

My family owns property in Animas Creek and the natural grove of sycamore, our water Wells, and our future is at grave risk with upstream mining operations which will, without doubt, end up poisoning and ruining our lives here. I beg you to help us now because in 10 years, we will be sick and without drinking water.

**144. Raquel Wiltbank-Mateo** (ZIP code: 87901)

**145. Diane Smith** (ZIP code: 88041)

**146. Satwant Singh Khalsa** (ZIP code: 87901)

We have submitted written comments and have grave concerns for the long term consequences of this mine, both in terms of water use during times of critical water shortages in New Mexico and the potential of contamination resulting from any seepage through the seams of the mine's single layer lining.

**147. Sharon Bookwalter** (ZIP code: 88061)

The the enormous requirement for water and the risk of polluting what little water is in the area make this a poor industry for the proposed area.

**148. Susanne Hoffman-Dooley** (ZIP code: 87508)

Mining & Minerals Division (MMD)

Mine Operating Permit

MMD

Should Place Strong Conditions on the Permit

•

The Mine's Water Use Would Seriously Damage Sierra County and Beyond

– NM

Copper

Corporation (NMC

C) says it needs

up to 6,100 acre feet

per year (afy) of fresh water.

o

NMCC has

water rights for only 900 afy

, which is insufficient to operate and properly close the mine

.

o

Pumping up to 6,100 afy would lower the water table around the mine site

. This will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arroyo area, and farming water supplies.

o

Pumping up to 6,100 afy would reduce flow in the Rio Grande.

•

There Is No “Self-Sustaining Ecosystem” —

The mine permit will not lead to a “self-sustaining ecosystem” as required after the mine closes. The pit lake has no provision to reduce toxicity sufficient

to allow use by wildlife that will be drawn to the water

. The

the waste rock piles have no liners, which could mean constant acid drainage from that site. As proposed, the mining operation will need

perpetual maintenance and treatment, which is not allowed under the Mining Act.

•

Financial Assurance

— The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.

NMED has said they want at least a 100-

year period of post-mining monitoring and maintenance at the site, but so far,

NM Copper Corporation and its foreign owners want just 25 years.

•

NM Environment Department Determination

—

NMED is required to provide MMD with a determination that the mine as proposed

will meet

Water Quality Act requirements, but NMED has not yet made that determination

. NMED's draft discharge permit as a whole is inadequate. Unless NMED revises its permit

, it

can

not determine

that the mine will meet the requirements of the Water Quality Act.

- 

Best Management Practices

– MMD needs to place

permit conditions requiring the most appropriate

technology and best management practices to limit dust, light, and noise, as well as the most

appropriate technology and best management practices to protect human health and safety, the environment, wildlife,

and domestic animals.

- 

Transport Trucks Would Severely Damage Highway 152

– Hwy 152 does not have the

substructure required for the weight of a daily stream of heavy ore trucks

on its surface. The NM

Highway Department does not have the funds to make up the difference between actual cost for repairs and the NMCC contribution to costs.

- 

The Promise of Jobs For the Unemployed of Sierra County is Fake

–NMCC's jobs claims are

misleading. A provisional water contract commits NMCC to hire outside Sierra County first, and some jobs require skills and training that mean they will likely go to non-

locals. Mining

-related jobs

would provide a short

-term boost

to the local economy

– potentially much shorter than NMCC's

projected 10-

12 years of operation depending on market conditions.

When the mine inevitably

closes, the mining jobs and all the related businesses will go away, causing even more disruption.

Sierra County can build a more sustainable future.

**149. Virginia McCoy** (ZIP code: 88049)

**150. Sandra Lucas** (ZIP code: 88061)

I support & agree with the details given here by Gila Resources Information Project. MMD should DENY the new Copper Flat Mine operation project.

Thank you.

Sandra Lucas

**151. Emily Sadow** (*ZIP code: 87514*)

**152. Susan Selbin** (*ZIP code: 87104*)

Please DENY the Copper Flat mne Operation Permit!

**153. Stanley Brodsky** (*ZIP code: 88042*)

A 2 person household uses from 1/2 to 1 afy of water. The mine will be using 6100 afy. I live in Hillsboro and my well goes dry about once/year (after a couple of hours it's OK again). Usage of 6100 afy will dry up all the wells around here.

**154. Peter Roche** (*ZIP code: 87507-1596*)

**155. Susan Christie** (*ZIP code: 87901*)

I am writing to protest AGAINST the Copper Flat Mine.

As a resident of T or C, and after having investigated the pros and cons of this operation, I am adamantly against this project.

1. There is inadequate water for the published needs of the Mine.
2. Taking additional ground water from the surrounding area would cause irreparable damage to trees, residences, agriculture and other sensitive areas.
3. There is no way they will be able to abide by their promise of long term monitoring.
4. Their inadequate preparation of the water water will contaminate the ground, become a toxic site for wildlife, domestic animals and the unforeseen contacts which are inevitable.
5. Provisions for transport, monitoring, permits, are again inadequate.
6. And finally, the number of jobs in the offing, and the length of the job possibilities does not offer stability nor a contribution to the communit.

My personal opinion is this project, the Copper Flat Mine, is a cover to usurping water rights. The water is more valuable than any copper extraction possible.

Susan Christie  
905 N Foch Street  
Truth or Consequences, NM 87901  
575-894-1407

**156. Sebastiaan Stokhof de Jong** (*ZIP code: 87505*)

**157. Linda King** (*ZIP code: 88042*)

**158. Tracy Blair** (*ZIP code: 67211*)

I find it infuriating that a corporation would attempt to place it's own welfare above that of the people, wildlife and environment and that a government institution that is created by the people to protect these above mentioned things would allow such a horrific and devastating act to advance to this point without already having discharged it with the rest of the garbage.

**159. Tristie O'Brien** (ZIP code: 89122)

**160. robert mccormack** (ZIP code: 87580)

**161. Taylor Streit** (ZIP code: 87931)

An edited version of NM EID comment letter read at EID meeting in T or C September 2018.  
(ANOTHER MEETING SCHEDULED FOR OCTOBER)

Comment by Taylor Streit  
HC 31 Box 712  
Caballo NM 87931

Living on the New Mexico frontier has its drawbacks; and when there aren't many people around bad things can happen to the environment. Such was the case with the Moly Mine on the Red River in northern NM a couple decades ago. The only opposition to the pollution was from the Concerned Citizens of Questa. A tiny group who couldn't compete with high molybdenum prices.

This relatively small mine turned into a huge beast in 1981 and they broke all the rules. The government laid down the law--with fines that amounted to pocket change for the world's second largest molybdenum mine.

When the operation pulled out it left the Red River nearly sterile. The towns people unemployed with numerous health problems from exposure to heavy metals. And Instead of doing the right thing and cleaning up, the mining companies fought the superfund process vehemently. And what work they did was weak--a "reclaimed" slope would be two bushes growing out of a pile of small boulders!

I don't want to see the same thing happen here. The Copper Flat mine is a huge beast too! (Just to give an idea of the scope--the dam for the "lake" is two miles long!) There's lots at stake including the southernmost Rio Grande Cutthroat trout fishery in the world. (Our state fish.) Animas Creek ain't much of a stream to begin with but when the mine's massive wells start pumpin " it will suck the drainage bone dry up into the nearby Aldo Leopold Wilderness.

Downstream a few miles, the beautiful Animas valley is home to the rare Arizona Sycamore. The Rio Grande is just a few miles downhill. If this mine is allowed to happen, green chili, pecans, waterfowl, cow, quail, deer, and farmers will eventually become rare too.

Taylor Streit is a resident of Caballo and owns a fly fishing guiding business in Taos. He has written several books on fly fishing NM.

**162. Victoria Linehan** (ZIP code: 88039-9600)

**163. Velma Boone** (ZIP code: 87931)

**164. Veronique De Jaegher** (ZIP code: 88042)

**165. Valerie Mackenzie-Low** (ZIP code: 88049)

**166. Ashley Pagels** (ZIP code: 88061)

**167. Robert Wilkinson** (ZIP code: 87901)



Sierra County needs jobs desperately but not at the expense of the environment. I support opening the mine ONLY IF they are committed to keeping our land, water, and air clean. Thank you.

**168. Eleanor Wootten** (*ZIP code: 88038*)

This proposal is full of flaws for the environment. There is no provision for the water after the mine is closed to it will available to contaminate the ground and the animals using it. In fact there is a lot of water asked for which will be needed for human and wildlife consumption in the near future. We are facing global warming now in case you haven't noticed. The mine appears not to meet the state Quality Water Act requirements. This is not acceptable to my way of thinking.

The financial assurance is not adequate. Post mining monitoring would last at least 100 years. The mining company wants 25 years. I feel we should not contaminate the whole state as it has enough contamination already. I would like to think you care about the humans living in this area. Please inform the full measure of the rules.

Sincerely,

Eleanor Wootten

**169. William West** (*ZIP code: 87901*)

**170. Susan E Wyard** (*ZIP code: 87901*)

I' against the mine reopening

**171. pamela wolfe** (*ZIP code: 88061*)

It is time the mine slowed down and took responsibility in the damage being done environmentally.

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 9:57 PM  
**To:** Ennis, David, EMNRD  
**Subject:** FW: Request for postponement of Copper Flat Mine Public Hearing  
**Attachments:** GRIP-CopperFlat-MMDHearing-postponementrequest.pdf

**From:** Allyson Siwik <allysonsiwik@gmail.com>  
**Sent:** Wednesday, July 25, 2018 6:52 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Cc:** Shepherd, Holland, EMNRD <holland.shepherd@state.nm.us>  
**Subject:** Request for postponement of Copper Flat Mine Public Hearing

Good afternoon, Fernando.

Please find attached GRIP's request for postponement of the public hearing on the Copper Flat Mine.

Thank you for your consideration.

Allyson

Allyson Siwik, Executive Director  
Gila Resources Information Project  
305A North Cooper St.  
Silver City, NM 88061  
575.538.8078 office/fax  
[www.gilaresources.info](http://www.gilaresources.info)



*20 Years of Promoting Healthy Communities  
by Protecting Our Environment*

July 25, 2018

Fernando Martinez, Director  
Mining and Minerals Division  
New Mexico Energy, Minerals, and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Via e-mail: [Fernando.martinez@state.nm.us](mailto:Fernando.martinez@state.nm.us)

**RE: Request for Postponement of Public Hearing on Copper Flat Mine - SI027RN**

Dear Director Martinez:

I am writing to you to request a postponement in the public hearing on the Mining and Minerals Division (MMD) permit for the Copper Flat Mine scheduled for August 21 – 22. GRIP was surprised to have received the public notice in the mail on July 23, since it was our understanding that the hearing was being planned for early 2019 given that MMD was still waiting for more information from New Mexico Copper Corporation.

GRIP is requesting a postponement of the hearing because we and the public at large will not have enough time to review the significant amount of materials on the MMD website and be adequately prepared for the public hearing in less than a month.

As you know, GRIP has been working hard to provide technical review and comment to Freeport-McMoRan, MMD, and NMED on closure/closeout plans and associated cost estimates and permits for the Continental and Chino mines. We are participating in MMD's "Facilitated Work Group" to assist in finding agreement on issues associated with cost estimation for Chino and Continental. This effort has taken considerable time and combined with preparation for NMED's public hearing on the Copper Flat Mine discharge permit in September, vacation and back to school, GRIP will not be able to adequately prepare for an August hearing date.

We are also concerned that there appears to be no reclamation plan cost estimate for financial assurance that is yet publicly available. GRIP and the public need timely access to this information in order to review and provide comment on this critical information at the public hearing.

The Bureau of Land Management provided four months of public review and comment on its Draft Environmental Impact Statement on the Copper Flat Mine. This seems like a

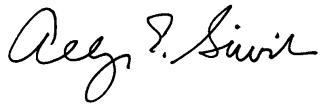
**305A North Cooper St. Silver City, NM 88061**  
**575.538.8078 • [www.gilaresources.info](http://www.gilaresources.info) • [grip@gilaresources.info](mailto:grip@gilaresources.info)**

reasonable and appropriate amount of time for review and comment on all of the permit-related information on a mining project of this magnitude and complexity.

In order to facilitate adequate public participation in the permit hearing on the Copper Flat Mine, GRIP respectfully requests that MMD postpone its hearing until late 2018/early 2019 in order to provide the public with sufficient time to review and comment on the Copper Flat mine permit application and associated information.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Allyson Siwik". The signature is fluid and cursive, with the first name "Allyson" and last name "Siwik" clearly distinguishable.

Allyson Siwik  
Executive Director

**Ennis, David, EMNRD**

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**From:** Ben Lewis <hillbro48@gmail.com>  
**Sent:** Tuesday, October 23, 2018 5:39 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Hillsboro Mutual Domestic Water Consumers Association Comments on Mining Permit Application for Copper Flats Mine  
**Attachments:** HMDWCA Comments on Mining Permit for Copper Flat Mine.pdf

Please find attached our association's comments on the application. We would like it to be included in the formal record.

Ben Lewis  
Hillsboro MDWCA

Subject: On the Hearing before the Director, Mining and Minerals Division

In the Matter of S 1027 Copper Flat Mine – New Mining Operation

Background: My name is Ben Lewis. I am a 23 year resident of Hillsboro, NM. I am also the current President of the Hillsboro Mutual Domestic Water Consumers Association (HMDWCA). The HMDWCA is organized under the Sanitary Projects Act and has provided potable water to its' members since the early 1960's. The Association is also a litigant in the matter before the NM Court of Appeals regarding the claimed water rights of the Copper Flat Mine (NMCC). I have been authorized by the Association Board of Directors to summarize and convey our comments on the proposed Mining Permit. We are requesting that our comments be added to the record of the hearing.

Comments: The Association opposes the granting of the requested permit to reopen the Copper Flats Mine.

- We believe that the consideration of NMCC application to initiate mining operations at Copper Flats is premature as NMCC has not been granted a Discharge Permit by the NMED and even more importantly does not have the requisite water rights to execute their MORP or to successfully execute their reclamation plan. Premature granting of permits can infer greater value to the property and perhaps lead to another transfer of ownership as I have seen several times over the years. It is also a conversion of government permits to what is in effect private property which is not allowed under the New Mexico constitution.
- We have been led to believe that the operating life of the proposed mine is approximately 11 years. What is not clear is this to be construed as 11 contiguous years or many years of intermittent operation. This is important because it has serious implications for monitoring pollution and maintenance of the mine infrastructure. At what point, in this process does the proposed permit become null and void? At what point is reclamation required to commence?
- The proposed mine is based on a marginal ore base and to a great extent on optimistic projections of the price of copper. NMCC has no real roots in New Mexico and no long term commitment to Sierra County. It is not part of a larger more robust mining operator with a track record of keeping commitments and successfully operating and reclaiming the sites where they operate. It is very much a boutique operation without the resources to withstand the variability of operating environment and economic conditions.
- Finally again, we believe that consideration of this application should be delayed until NMCC water rights have been clarified by the courts.

**Ennis, David, EMNRD**

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**From:** Barbara Mahler <bjmahler59@gmail.com>  
**Sent:** Monday, October 22, 2018 9:53 AM  
**To:** EMNRD-MMD.Director  
**Cc:** Peter Van Metre  
**Subject:** [EXT] Comments for the Hearing on the Copper Flat Mine  
**Attachments:** Copper Flats comment for EMNRD from Van Metre & Mahler.docx

Dear Mr. Martinez,

Please find attached a letter detailing our comments regarding the Copper Flat Mine application for a New Mining Operation Permit.

Sincerely yours,

Dr. Barbara Mahler  
Dr. Peter Van Metre

On the Hearing before the New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division regarding the Copper Flat Mine

Attention: Fernando Martinez, Director, Mining and Minerals Division

Dear Mr. Martinez,

We are writing to express our concern about the proposed reopening of the Copper Flat Mine, in particular regarding the Copper Flat Mine application for a New Mining Operation permit. As residents of Kingston, NM, we live only about 10 miles from the mine and have an apple orchard and ground- and surface-water right, so the health of the local environment and the availability and quality of local water resources are important to us. As professional hydrologists, water resources in general are important to us as well. One of us (Van Metre) has 38 years of experience in water quality and sediment chemistry, a Masters Degree in Hydrology from the Univ. of Arizona, and a PhD in Geology from the Univ. of Rouen, France. The other (Mahler) has 25 years of experience in aqueous geochemistry and hydrogeology, with a Masters and PhD in hydrogeology from the Univ. of Texas.

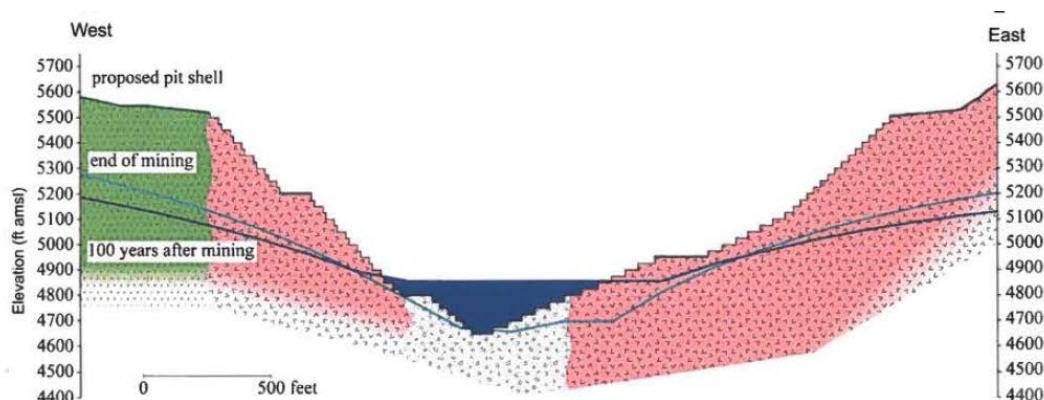
Per their discharge permit request, the New Mexico Copper Corporation “proposes to discharge up to 25,264,000 gallons per day (25 MGD) of mine tailings, process water, impacted stormwater, and domestic wastewater to a lined tailing impoundment. ... Potential contaminants from this type of discharge include sulfate, nitrate, total dissolved solids, and metals.” We think there are critical questions that must be answered. These include:

1. 25 MGD translates to filling the existing tailings impoundment, about 1 square kilometer in area, with 120 feet thickness of water and tailings over the course of a year. What portion of the 25 MGD is water that must be evaporated to avoid eventual outflows? Annual evaporation is expected to remove only about 6 feet of water. What becomes of the remaining 114 feet of water and tailings? Or over 5 years, 570 feet of water and tailings? The existing tailings impoundment is about 150 feet above the land surface (per the 1996 USGS quadrangle map); how much does NMCC propose to increase the size of the impoundment to accommodate all this material for how many years of mining? We are unclear on how NMCC is proposing to handle the level of discharge requested.
2. What is the proposed source of the water in the 25 MGD that will be discharged? If a substantial portion of this water will be pumped from the pit as part of the dewatering operations, how will the resulting change in water level affect the groundwater flow system in the area? What will the quality of that water be? The report produced by SRK Consulting (SRK Project Number 19100003; 2018) cites elevated concentrations of copper, sulfate, chloride, TDS, manganese, cobalt, fluoride, sodium, and potassium in pit lake water as a result of periodic Acid Wall Seep (AWS) events. For example, Figure 1.9 in that report shows a maximum copper concentration in the pit lake of 26 mg/L in 2013; the USEPA Maximum Contaminant Level for copper for drinking water is 1.3 mg/L.

We have additional concerns and questions about contradictory information in the environmental engineering reports that are the foundation of the mining plans and the Discharge Permit. Two documents from the public record describe the geology and hydrology of the Copper Flats mine site and, specifically, the pit lake. These documents are inconsistent—which one is incorrect? The letter from Shoemaker and Associates to Ms. Katie Emmer, dated June 25, 2015, responding to questions raised



about the rapid fill scenario, includes and relies heavily on the figure reproduced below (Figure 1). This data and modeling exercise indicates that the groundwater level in the pit will have stabilized at about 4900 feet (amsl) 100 y after mining and that the difference in groundwater level from the pit lake to the eastern local maximum will be **200–250 feet**. This large difference would drive groundwater flow in the direction of the pit.

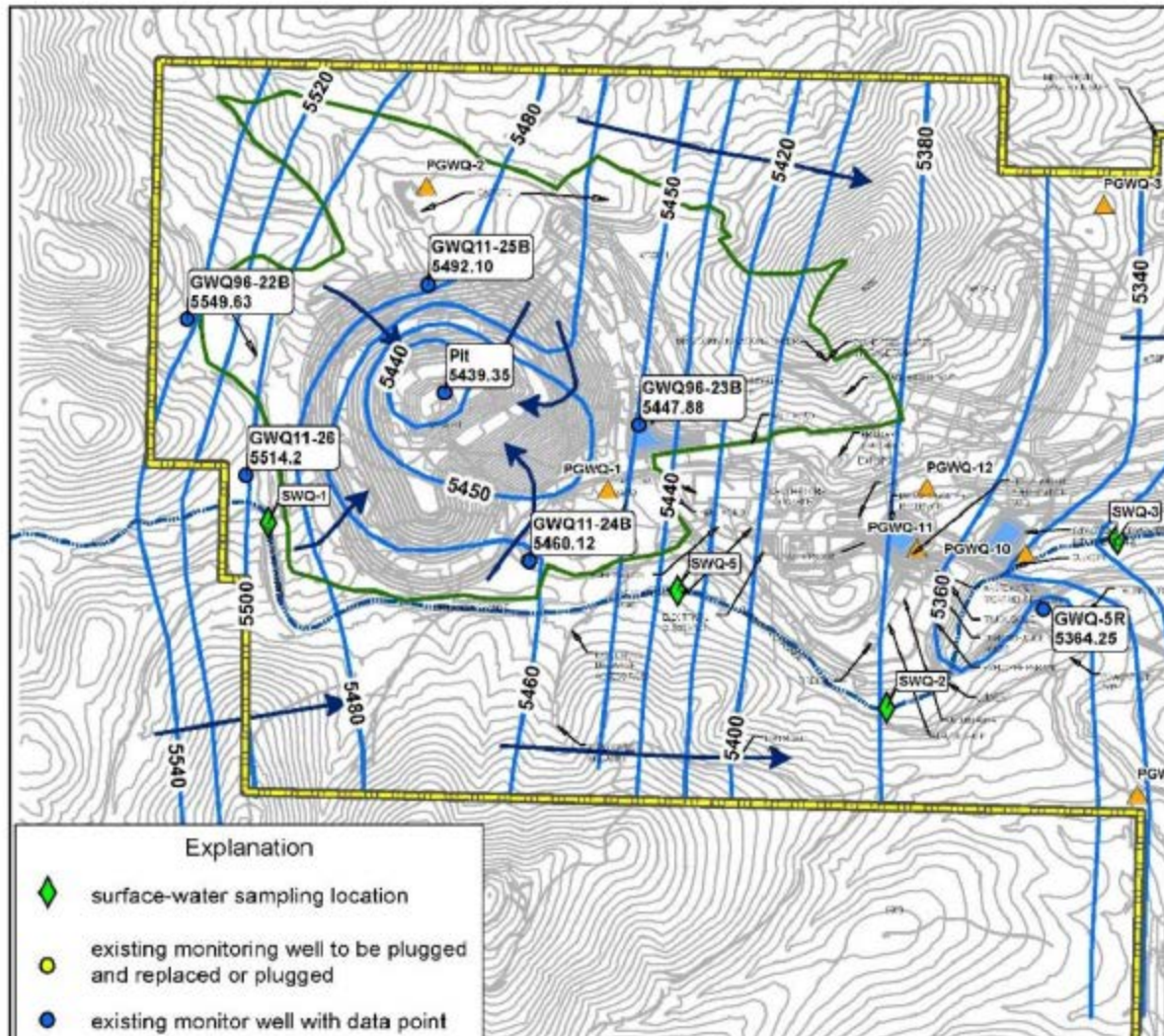


**Figure 1. West-to-east profile of post-mining water levels across the open pit.**

Figure 1 indicates that the highest water level down-gradient (east) of the pit is always above elevation 5,100 ft amsl. The long-term pit water elevation fluctuates near elevation 4,850 ft amsl, with maximum water elevation of 4,900 ft amsl occurring at the end of rapid fill. To create a flow-through system, water level in the pit would have to exceed elevation 5,100 ft amsl.

There is large disagreement between the Shoemaker and Associates letter and NMCC report DP-1840, dated 2018. Figure 2 in the NMCC report (reproduced below) shows the current potentiometric surface (groundwater level) at the mine site in map view based on monitoring wells. In this document, the groundwater level at the center of the pit is 5440 feet (amsl), whereas in the Shoemaker and Associates letter the groundwater level in the pit is given as 4900 feet, a different of more than 500 feet. How could the pit water level stabilize more than 500 feet lower after the next round of mining compared to where it is now? In the NMCC report, the water level in the nearest monitoring well to the east (regionally down-gradient) is 5448 feet—just 8 feet above the level in the pit. This indicates that only a small change in water level in the pit relative to the surrounding groundwater level, **less than 10 feet**, would reverse flow direction and drive groundwater flow to the east, compared to the change of 200–250 feet cited by Shoemaker. The very large inconsistencies between the modeling results presented in the Shoemaker letter and the current groundwater levels raise crucial questions regarding the reliability of the hydrologic assessments that underlie the permit request.

Figure 2 – Ground and Surface Wa



Sincerely,  
Dr. Peter Van Metre  
Dr. Barbara Mahler  
35 Kingston Main Street  
Hillsboro, NM 88042

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
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4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

**Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.**

Thank you.

R. W. and M. Nolan Winkler  
10822 Hwy. 152  
P.O.Box 221  
Hillsboro, NM 88042



PO Box 374  
Datil NM 87821  
October 13, 2018



Director, Mining and Minerals Division Energy  
Minerals and Natural Resources Dept.  
1220 S. St. Francis Drive  
Santa Fe NM 87505

The Copper Flat mine proposal raises many questions about the appropriate use of New Mexico's natural resources. Long dependent on exploitation of these natural resources, New Mexico has failed time and again to diversify its economy, to find innovative ways to bring companies to the state that are in tune with a modern economy and that provide jobs commensurate with 21<sup>st</sup> century living. In addition, this company – the New Mexico Copper Corporation – has a history with the state that doesn't bode well for permitting it for further exploitation. According to the Las Cruces Sun-News,

The only hitch ... is that ... the job and revenue claim doesn't jibe with what happened when the mine actually operated in 1982-83. Out of seven categories of employment income for Sierra County in 1982-83 documented by the Federal Reserve's ALFRED system, mining was fifth—behind small businesses, tourism, agriculture, government and even manufacturing! Nor did median annual income jump during those years—it remained flat at just over \$12,000 (\$29,000 in today's dollars).<sup>1</sup>

Looking at actual performance by the NMCC is not encouraging, and using the excuse of jobs, jobs, jobs to attain a permit that will cause environmental damage is specious and not to be believed in this case.

But more important yet is the threat to groundwater, our most precious resource and a scarce one at that. New Mexico's dependence on groundwater will only grow as time goes on, and to allow massive pollution of that groundwater anywhere in the state is unthinkable and unconscionable. Again, according to the Sun-News,

The only thing the mine left behind was an unfinished reclamation of tailings and industrial detritus resulting in continuing and unremediated flow of pollutants into the groundwater for which it was cited by the NM Environmental Department.

If NMCC is negotiating with the university (New Mexico State University) for all the water it needs for the mine they are trying to get the same amount of water that would be needed for a population of more than 36,000 people!<sup>2</sup>

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<sup>1</sup> <https://www.lcsun-news.com/story/opinion/columnists/2018/05/27/hillsboro-mine-project-desperate-water/647882002/>

<sup>2</sup> *Op.cit.*

Good policy dictates that the big picture be consulted, as well as the little picture of one area that might suffer damage as a result of this proposed project. Overall, is it good policy to allow the exploitation of resources that damages groundwater? One might say it's time for New Mexico to grow up. We don't live in the 19<sup>th</sup> century any more, with wild exploitation of resources garnering millions of dollars for those doing the exploiting.

It's time to value groundwater at the top of the resources list. This company will damage that precious resource beyond fixing, and leave New Mexico behind once again in the competitive world we live in. Please deny NMCC a permit.

Yours truly,

A handwritten signature in cursive script that reads "Carol Pittman". The signature is written in dark ink and is positioned below the "Yours truly," text.

Carol Pittman

**Ennis, David, EMNRD**

---

**From:** John Cornell <jcls1010@gmail.com>  
**Sent:** Saturday, July 21, 2018 2:19 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Mine Permit Extension Request

"Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
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6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit. For all the reasons stated, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you,

John Cornell

100 Juh Trail

Hillsboro, NM. 88042

575-895-5090

## Ennis, David, EMNRD

---

**From:** Chuck Barrett <amanecer.chuck@gmail.com>  
**Sent:** Saturday, July 21, 2018 12:33 PM  
**To:** EMNRD-MMD.Director  
**Subject:** NMCC Mine Permit Hearing

Dear Director Martinez

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

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7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has now moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Charles P Barrett  
Hillsboro



ReplyReply allForward



## Ennis, David, EMNRD

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**From:** Joe or Sandy Ficklin <jficklin9@gmail.com>  
**Sent:** Saturday, July 21, 2018 7:57 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flats Mine

Dear Director Martinez:

I am writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

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Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Joseph K. Ficklin, Animas Creek, Caballo, NM87931  
Sandra D. Ficklin, Animas Creek, Caballo, NM87931



Virus-free. [www.avg.com](http://www.avg.com)

**From:** rspeakes@valornet.com  
**Sent:** Saturday, July 21, 2018 9:08 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Please postpone the date for the public hearing on the Copper Flat Mine Permit

Date: July 21, 2018

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine, Sierra County, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

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Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and

comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you for taking these facts into consideration.

Sincerely, Rebecca Speakes  
808 N. Pershing Street  
Truth or Consequences, NM 87901  
575-894-0410

**Ennis, David, EMNRD**

---

**From:** Anke Ewerbeck <ankeya@windstream.net>  
**Sent:** Sunday, July 22, 2018 10:14 AM  
**To:** EMNRD-MMD.Director  
**Subject:** date of public hearing for permit on copper Flat Mine

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

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6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you,  
Anke Ewerbeck (P.O. box 156, Hillsboro, NM 88042)

**Ennis, David, EMNRD**

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**From:** Stan Brodsky <stanandrob@windstream.net>  
**Sent:** Sunday, July 22, 2018 11:19 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine Hearings

Dear Director Martinez:

To say that I'm VERY CONCERNED about the new plan to move the dates for the hearing pertaining to the re-opening of the Copper Flat Mine to be 5 months earlier than we were originally told, is an understatement. We were planning on having time to do a thorough review of all submitted documentation, some of which is not yet available (Permit Application and Environmental Evaluation).

The re-opening of the mine is of grave concern to many Sierra County residents, primarily those in the Hillsboro area. As we see it, the mine re-opening will affect our water supply dramatically (the mine will use somewhere between 5,000 and 7,000 acre-feet of water per year), and, potentially even worse, will pollute all groundwater as the used water seeps back into the ground.

In addition to the above, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the re-planned date for the MMD hearing.

As recently as a few weeks ago, MMD staff was stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

As stated above, preventing the re-opening of the mine is a critical issue to residents. We're not asking for extra time. We're asking for the time to review documentation which was originally promised to us.

Thank you for your consideration.

Stanley Brodsky  
39 Tulpia Trl  
Hillsboro, NM 88042

575-895-5551

**Ennis, David, EMNRD**

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**From:** veroshop <veroshop@mac.com>  
**Sent:** Sunday, July 22, 2018 6:26 PM  
**To:** EMNRD-MMD.Director  
**Subject:** public hearing on the Copper Flat Mine Permit

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
3. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
4. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.
7. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Veronique De Jaegher  
HC 69 Box 101 Hillsboro, NM 88042

**Ennis, David, EMNRD**

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**From:** Debora Nicoll <4ncx123@gmail.com>  
**Sent:** Monday, July 23, 2018 12:01 PM  
**To:** EMNRD-MMD.Director  
**Subject:** postpone copper flat mine hearing

Please postpone the proposed Aug 21-22 public hearing for the copper flat mine permit to January. A thirty day window from announcement to meeting is simply unacceptable to allow the public and experts time to prepare for this. As recently as late June we were told that the hearing would be in January therefore, the meeting should be held in January.

Deb Nicoll  
88042



## Ennis, David, EMNRD

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**From:** lalynnnock <woollywomon@gmail.com>  
**Sent:** Tuesday, July 24, 2018 8:38 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper flat mine

24 July 2018

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine, Sierra County, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, [August 21](#) and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents. We have other things to do in our lives too.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing. Or they will just be getting back to life and will be busy.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is [due August 24](#), 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of [December 10th](#) at the earliest.

Thank you for taking these facts into consideration.

Sincerely, Lara Nock, PO Box 41 Monticello, NM 87939.

## **Ennis, David, EMNRD**

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**From:** Robin Tuttle <robltut@yahoo.com>  
**Sent:** Tuesday, July 24, 2018 10:42 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Comments on Notice of Public Hearing for Copper Flat Mine

Director Martinez,

I am in receipt of EMNR-MMD's letter dated July 18, 2018 providing Notice of the August 21 and 22, 2018 Public Hearings for Copper Flat Mine, Sierra County. Both hearings will be held in Truth or Consequences, over 30 miles from the mine site.

These dates are months earlier than January 2019 dates for public hearings NM Mine Division previously communicated to the public including the residents living in the vicinity of the proposed mine and most immediately affected. As recently as late June, MMD staff indicated to interested parties that the hearing would be in January. MMD should honor its prior representations.

In addition, MMD should consider holding one of the hearings at the Hillsboro Community Center, to more conveniently allow the residents of Kingston, Hillsboro Lake Valley and Animas Creek to testify.

I share the grave concerns submitted by other affected residents about the Copper Flat Mine in Hillsboro.

### **Public review of background materials**

The less than thirty days from receipt of the public notice to the proposed dates for the public hearing is insufficient to review the thousands of pages of technical documents associated with the proposed mine.

Contrary to the public notice, the Permit Application package and the Draft Environmental Evaluation are NOT posted on MMD's website; so the public is unable to review anything related to the permit.

August is a month when many of both the general public and technical experts are on travel outside the county and unable to prepare for and attend the hearing.

BLM provided four months for review and comment on its Draft EIS concerning the Mine, and NMED provided three months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of five months for the public to review and prepare comments and testimony.

### **Submissions by New Mexico Copper Corporation (NMCC)**

Pursuant to information on MMD's website, NMCC has yet to provide any financial assurances that it can successfully reclaim the mine - and will not be required to do so until the week prior to the hearing. It is unacceptable to expect the public to then have just one week to review this material.

### **Wastewater permit**

Stakeholders and their technical experts concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, two days after the proposed MMD hearing

## **REQUEST**

Accordingly, to protect the public interest and due process, and ensure that the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest and hold one of the hearings at the Hillsboro Community Center.

Thank you,

Robin Tuttle, 42 Cochise Trail, Hillsboro, NM

**Ennis, David, EMNRD**

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**From:** Bill Lindenau and Véronique De Jaegher <bindivis@icloud.com>  
**Sent:** Tuesday, July 24, 2018 4:28 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you. William Lindenau

**From:** Susan Lynch <deekshasal@yahoo.com>  
**Sent:** Tuesday, July 24, 2018 5:16 PM  
**To:** EMNRD-MMD.Director  
**Subject:** To Postpone Copper Flat Mine Hearing

July 24, 2018

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine, Sierra County, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public

concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.

7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you for taking these facts into consideration.

Susan Lynch  
PO Box 304  
Truth or Consequences, NM 87901  
deekshasal@yahoo.com  
575-894-0563

**From:** Jaswant Khalsa <jaswantkhalsa@gmail.com>  
**Sent:** Thursday, July 26, 2018 8:27 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Postpone hearing on permit for Copper Flat Mine

July 26, 2018

Fernando Martinez  
Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Dept  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Dear Director Martinez:

My husband and I are greatly concerned about the **Copper Flat** Mine, Sierra County, and specifically about MMD's proposed public hearing date on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are inappropriate and unacceptable for the following reasons:

1. Thirty days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you for taking these facts into consideration.

Satwant and Jaswant Khalsa  
574 West 4th Ave  
T or C, NM 87901  
602 359 2146



**Ennis, David, EMNRD**

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**From:** Susan A Christie <susan.christie1@icloud.com>  
**Sent:** Thursday, July 26, 2018 10:56 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Grave concern re Copper Flat Mine

July 26, 2018

Fernando Martinez  
Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Dept  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Dear Director Martinez:

I'm writing to you with grave concern about the **Copper Flat** Mine, Sierra County, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.
8. It is grossly unfair that our community is again faced with the possibility of severe degradation of our water table, physical environment and homeowner/business/property values.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you for taking these facts into consideration.

Susan Christie  
PO Box 3218  
Truth or Consequences, NM 87901  
575-894-1407

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 8:01 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: I support the Copper Flat Mine Project

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**From:** McQueen, Ken, EMNRD  
**Sent:** Thursday, July 26, 2018 5:35 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: I support the Copper Flat Mine Project

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**From:** [gbyers11@comcast.net](mailto:gbyers11@comcast.net) <[gbyers11@comcast.net](mailto:gbyers11@comcast.net)>  
**Sent:** Thursday, July 26, 2018 6:53 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>; [matthias.sayer@state.nm.us](mailto:matthias.sayer@state.nm.us); Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>; Gardner, Keith, GOV <[Keith.Gardner@state.nm.us](mailto:Keith.Gardner@state.nm.us)>  
**Subject:** I support the Copper Flat Mine Project

Gentlemen,

I write as a former employee of both Public Service Company of New Mexico and Santa Fe Pacific Coal who successfully worked with the Mining & Minerals Division (NMMMD) to acquire permits to mine or expand mining at the San Juan, La Plata and Lee Ranch Mines. These mines plus the 43-mile rail spur we built to Lee Ranch provided hundreds of direct and indirect jobs and multiple sources of tax revenue to local and state governments. It is well known that Lee Ranch in particular allowed the Grants-Milan region to successfully bridge the collapse of the uranium industry.

In our plans to develop each mine we were opposed at all turns by in-state and out-of-state anti-mining groups which employed their usual tactics of constantly demanding more and more data and more and more time for review of this or that. Our success in obtaining the permits years ago was principally attributable to two simple facts. First, our permit applications were not only complete and strong, but they had been developed over years by highly competent scientists and engineers our companies. Moreover, these permit applications were reviewed and scrutinized at the state level by other highly competent state employee scientists and engineers, just as are on staff today

Today, despite the fact that the Copper Flat Mine Project has completed 6 years of painstaking and careful work to receive its Reclamation Permit approval from the NMMMD, the local and outsider groups opposed to local jobs and economic advancement are back with their same old

tired objections to sound science and engineering and to natural resource development and their same old demands for “more time.” Six years ought to be far more than enough.

The decision by NMMMD to declare as technically complete the Copper Flat Reclamation Permit Technically Complete and ready for approval was not taken lightly or made in secret, and the State should be confident that it is a technically defensible decision.

I call on NMMMD and all other responsible and involved officials in New Mexico state government to reject the defenseless demands for additional delays and to move forward with the public hearings scheduled for August 21 and 22 in T or C.

It is senseless to delay further and deprive Sierra County and New Mexico with the jobs and economic advancement that Copper Flat will bring. It is high time to end the economic decline in this region of New Mexico.

Thank you for the opportunity to comment.

George Byers  
5901 W. Lehigh Ave. #12  
Denver, CO 80235  
720-201-7078

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 8:02 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Project

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**From:** McQueen, Ken, EMNRD  
**Sent:** Thursday, July 26, 2018 5:35 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flat Project

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**From:** Robert A. Martinez <[bob\\_martinez43@hotmail.com](mailto:bob_martinez43@hotmail.com)>  
**Sent:** Thursday, July 26, 2018 9:47 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>; [Matthias.Sayer@state.nm.us](mailto:Matthias.Sayer@state.nm.us);  
[Fernando.Martinez@state.nm](mailto:Fernando.Martinez@state.nm); [Keith.Gardner@state](mailto:Keith.Gardner@state)  
**Subject:** Copper Flat Project

I urge you all to stay firm in the obligation to have the required hearing for the Copper Flat Project on August 21 & 22. This project is important for the economic well being of Sierra County. I strongly urge you to proceed with the hearings as schedule and do not delay any longer and approve the the Copper Flat Project Reclamation Permit as soon as possible.

Bob Martinez

The Longway Home Project is now on Facebook: ??

<http://www.facebook.com/pages/Vietnam-War-Lessons-The-Long-Way-Home-Project/175259559188907>

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 10:31 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: MMD

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**From:** McQueen, Ken, EMNRD  
**Sent:** Wednesday, July 25, 2018 5:31 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: MMD

**From:** [ruffein@aol.com](mailto:ruffein@aol.com) <[ruffein@aol.com](mailto:ruffein@aol.com)>  
**Sent:** Wednesday, July 25, 2018 4:53 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** MMD

As a New Mexico tax payer and a resident of sierra county I am asking that you support the Copper Flat [MMD](#) Permit Public Hearing - August 21 & 22, Thank you David miller.

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 10:31 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: copper flat

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**From:** McQueen, Ken, EMNRD  
**Sent:** Wednesday, July 25, 2018 5:27 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: copper flat

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**From:** Teri Cates <[tlcpestcontrol@yahoo.com](mailto:tlcpestcontrol@yahoo.com)>  
**Sent:** Wednesday, July 25, 2018 5:01 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** copper flat

Hello, my name is Teri L Cates. I am a resident and business owner in Sierra County and am calling to voice my support for the Copper Flat Mine. I understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. I urge you to maintain this date and not delay any further. I support the Copper Flat Mine and hope the state will move the application forward without delay.

Thank you,  
Teri L Cates  
TLC Pest Control

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 10:32 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: MMD

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**From:** McQueen, Ken, EMNRD  
**Sent:** Wednesday, July 25, 2018 5:12 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: MMD

**From:** [ruffein@aol.com](mailto:ruffein@aol.com) <[ruffein@aol.com](mailto:ruffein@aol.com)>  
**Sent:** Wednesday, July 25, 2018 4:53 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** MMD

As a New Mexico tax payer and a resident of sierra county I am asking that you support the Copper Flat [MMD](#) Permit Public Hearing - August 21 & 22, Thank you David miller.



**Ennis, David, EMNRD**

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**From:** Steve Dobrott (TEI-TTX) <steve.dobrott@tedturnerexpeditions.com>  
**Sent:** Friday, July 27, 2018 10:00 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine

Dear Director Martinez,

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Sincerely,

Steve Dobrott  
P.O. Box 398  
Hillsboro, NM  
88042

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Friday, July 27, 2018 6:28 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine Permit

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**From:** McQueen, Ken, EMNRD  
**Sent:** Friday, July 27, 2018 2:26 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flat Mine Permit

**From:** Travis Day <[travisday20@gmail.com](mailto:travisday20@gmail.com)>  
**Sent:** Friday, July 27, 2018 8:57 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** Copper Flat Mine Permit

My name is Travis Day and I am a resident of Sierra County and emailing you to voice my support for Copper Flat Mine. I understand that the state is considering a New Mine Permit for Copper Flat Mine and has scheduled a public hearing in August. I urge you to maintain this date and not delay any further. There is a small group of individuals that are opposing the opening of Copper Flat Mine however they do not represent the majority opinion here in Sierra County. I have toured the Copper Flat Mine project and have examined the DEIS. I feel that Copper Flat has sufficiently addressed all environmental concerns. I support Copper Flat Mine and hope the state will move the application forward without delay.

Thank you,  
Travis Day

## Ennis, David, EMNRD

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**From:** Linda Seebach <lindaof5oaks@gmail.com>  
**Sent:** Saturday, July 28, 2018 9:48 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Request for MMD Copper Flats Hearing Postponement

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable.

Water in New Mexico is more precious than gold, silver or copper. If the Copper Flats Mine is permitted to operate, the dewatering of the aquifers will have life threatening consequences to Sierra County residents. If our wells go dry we can not live here and we can not sell our homes - our life as we know it, is OVER. Documentation to the drastic environmental damage caused by the mine is being obtained - BUT this is a time consuming process and CAN NOT be completed by the expedited August 21 and 22 date.

Additionally, the following reasons also speak to postponing the hearing.

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.

7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Linda Seebach

10634 Hiway 152

Hillsboro, NM 88042

575-895-5154

**Ennis, David, EMNRD**

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**From:** Margie Ann Gibson <margieanngibson@mac.com>  
**Sent:** Saturday, July 28, 2018 10:16 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat permit

I respectfully request a delay on the public hearings on the Permit Application Package and Draft Environmental Evaluation for a new mining permit for Copper Flat. I have a home on Animas Creek and am concerned about how the mine's proposed water usage will impact all of Sierra County, including farming and tourism. Our county is a popular destination for hiking, bird-watching and other outdoor activities. Wildlife needs water too.

In addition to a delay of the hearing, I request that a hearing be held in the nearest community to the mine and to my home, which is Hillsboro.

Margie Gibson  
20 Cadena Road  
Animas Creek  
Caballo NM 87931

**Ennis, David, EMNRD**

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**From:** Sandra Sunderlage <sandra.equitynm@gmail.com>  
**Sent:** Saturday, July 28, 2018 1:17 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flats Mine Hearing

To Whom It May Concern,

What a headache your Department will have on your hands if this permitting goes through. Water is the new oil and allowing operations like this sneak their permitting through almost six months in advance of the originally scheduled hearing is heinous. Consideration towards water scarcity in our state should over rule any operation like this. Soon New Mexico will have the same reputation of Flint Michigan, poisoning it's population in this state and beyond. It defies logic that permitting is even being considered.

Insisting on going back to the originally scheduled hearing in January 2019 will allow the opponents to thoroughly vet the documentation regarding this operation and is imperative for fair representation both pro and con, for mining operations of this kind. Bumping up the hearing looks suspect at least, reeks of cronyism at worst.

Sandra Sunderlage

## Ennis, David, EMNRD

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**From:** Bruce Cospers <brcbruce@outlook.com>  
**Sent:** Saturday, July 28, 2018 10:23 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Cooper Flat Mine supporter

Director Martinez:

I am a life long resident of Hillsboro N.M. and I would like to let you know that all of the community is not against the mine opening. There are a number of residents that are in support of the mine opening. I was here when the mine was in operation and was employed by the mine. There was little or no effect on the town of Hillsboro, except for the fact that there were jobs and young families were able to live here. As of now there are not any children in town, the bus used to be full now I believe there is only one girl on the bus. Sierra county is a poor county with few jobs and no real tax base for schools and health services. We need this mine that really has little effect on the environment, to say it has no effect wouldn't be truthful. But Hillsboro is a mining district, and lessons have been learned from the past and mining can be done in a responsible manner.

The people who oppose the mine have no science to back their claims of depleting the water table. These people don't need a job or do they care if their children have to move just to find work. They are retired and have made their money from some other state, and that is fine many of them are my friends and are nice people and I respect their opinion. It has been years now that Copper Flat Mine has been going through the approval process and in my opinion have done a good job of listening to people and addressing their concerns. Let's move forward with progress and give the families in this area something to look forward to.

Thank you,  
Bruce Cospers  
Sent from [Mail](#) for Windows 10

**Ennis, David, EMNRD**

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**From:** Bill Bussmann <bussmann@zianet.com>  
**Sent:** Monday, July 30, 2018 8:43 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine Hearing

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reason:

Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review. My brother just returned to the states from 36 years in international finance in Hong Kong. I asked him to look into why Chinese miner Yunnan Haliliya backed out of an agreement to get 51% of Copper Flat a while back, from the asian perspective, not the Themac. He examined Themac's TSX disclosures and responded that NMCC is a "gold mine of red flags"! Please allow the experts adequate time to follow the money here before the hearing.

I fondly remember the 1996 Permit Hearing at the civic center in T or C. Bob Pratt, ceo of Alta gold co. assured us Animas Creek folk that he would take personal responsibility for making our wells right if the pumping affected them. Shortly after Alta went bankrupt, it was revealed that he had been the cfo of the company involved in the largest stock swindle in Utah state history, and by the time he gave back all the \$, he couldn't have afforded to buy me even a new pressure switch for my pump!

thank you

Bill Bussmann

hc31 box89

Caballo nm 87931

just 3000 yards north of the copper flat production wellfield



**Ennis, David, EMNRD**

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**From:** Susie Bussmann <suceppib@gmail.com>  
**Sent:** Monday, July 30, 2018 9:00 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Postpone Public Hearing for Copper Flat Mine Near Hillsboro, NM

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Susan Bussmann  
Sierra County  
Animas Creek  
Caballo, NM 87931

## Ennis, David, EMNRD

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**From:** Jason R <jasonrics@gmail.com>  
**Sent:** Tuesday, July 31, 2018 4:05 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine, Hillsboro, NM: Request to Postpone Mining Permit Hearing

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

Jason Rose  
P.O. Box 411  
Hillsboro, NM 88042

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, August 2, 2018 11:36 AM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine Permit

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**From:** McQueen, Ken, EMNRD  
**Sent:** Thursday, August 2, 2018 10:38 AM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flat Mine Permit

**From:** [mayor@villageofwilliamsburg.com](mailto:mayor@villageofwilliamsburg.com) <[mayor@villageofwilliamsburg.com](mailto:mayor@villageofwilliamsburg.com)>  
**Sent:** Tuesday, July 31, 2018 10:35 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>; [Matthias.Sayer@state.nm.us](mailto:Matthias.Sayer@state.nm.us); Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>; Gardner, Keith, GOV <[Keith.Gardner@state.nm.us](mailto:Keith.Gardner@state.nm.us)>  
**Cc:** Omar El-Emawy <[oelemawy@themacresourcesgroup.com](mailto:oelemawy@themacresourcesgroup.com)>  
**Subject:** Copper Flat Mine Permit

Dear State Official:

My name is Deb Stubblefield, Village of Williamsburg Mayor. I'm sending this email to inform you that the Village of Williamsburg Trustees are in support of Copper Flat Mine. The Village of Williamsburg Trustees formally adopted a resolution in support of the mine. The Village recently received notice of the August public hearing for consideration of a New Mine Permit. We urge you to maintain the established dates and not delay the process any further, and hope the State will move the application forward without delay.

Thank You,

Deb Stubblefield, Mayor  
Village of Williamsburg

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Tuesday, August 7, 2018 3:51 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine

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**From:** McQueen, Ken, EMNRD  
**Sent:** Tuesday, August 7, 2018 3:28 PM  
**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>  
**Subject:** FW: Copper Flat Mine

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**From:** Bruce Swingle <[bswingle@sierraco.org](mailto:bswingle@sierraco.org)>  
**Sent:** Tuesday, August 7, 2018 2:19 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** Copper Flat Mine

Secretary McQueen: Sierra County was recently informed of your decision to delay the Copper Flat Mine public hearing. The Sierra County Board of County Commissioners is supportive of the mine and THEMAC's commitment to responsible mining and to implementing reasonable environmental protections to safeguard our community and the state. The commission went to great lengths to changed their regular August meeting to accommodate EMNRD and attend the public hearing.

Bruce Swingle  
County Manager

PROFESSIONALISM, It's a Habit, Not an Act!!

**Ennis, David, EMNRD**

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**From:** Betty McMath <mcmathbetty25@gmail.com>  
**Sent:** Tuesday, August 7, 2018 8:18 PM  
**To:** EMNRD-MMD.Director  
**Subject:** COPPER FLAT MINE

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Hello, we are Charles and Betty McMath, permanent residents of Sierra County. We strongly support the Copper Flat Mine because Sierra County is a very poor and depressed area and we desperately need the jobs this mine would bring to the county. We understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. We urge you to maintain this date and not delay any further. We support the Mine and hope the state will move the application forward without delay.

Thank you,

Charles D. and Betty J. McMath  
1202 Skyline Dr. P O Box 243  
Elephant Butte, NM 87935

575-744-5878

Betty J. McMath

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Wednesday, August 8, 2018 10:29 AM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: COPPER FLAT MINE

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**From:** McQueen, Ken, EMNRD  
**Sent:** Wednesday, August 8, 2018 8:36 AM  
**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>  
**Subject:** FW: COPPER FLAT MINE

**From:** Betty McMath <[mcmathbetty25@gmail.com](mailto:mcmathbetty25@gmail.com)>  
**Sent:** Tuesday, August 7, 2018 8:18 PM  
**To:** EMNRD-MMD.Director <[EMNRD-MMD.Director@state.nm.us](mailto:EMNRD-MMD.Director@state.nm.us)>  
**Subject:** COPPER FLAT MINE

--

Hello, we are Charles and Betty McMath, permanent residents of Sierra County. We strongly support the Copper Flat Mine because Sierra County is a very poor and depressed area and we desperately need the jobs this mine would bring to the county. We understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. We urge you to maintain this date and not delay any further. We support the Mine and hope the state will move the application forward without delay.

Thank you,

Charles D. and Betty J. McMath  
1202 Skyline Dr. P O Box 243  
Elephant Butte, NM 87935

575-744-5878

Betty J. McMath

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Wednesday, August 8, 2018 1:29 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine hearing

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**From:** McQueen, Ken, EMNRD  
**Sent:** Friday, August 3, 2018 1:36 PM  
**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>  
**Subject:** FW: Copper Flat Mine hearing

**From:** Alan Kuhn <[akkuhn41@gmail.com](mailto:akkuhn41@gmail.com)>  
**Sent:** Thursday, July 26, 2018 6:09 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>; [Matthias.Sayer@state.nm.us](mailto:Matthias.Sayer@state.nm.us); Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>; Gardner, Keith, GOV <[Keith.Gardner@state.nm.us](mailto:Keith.Gardner@state.nm.us)>  
**Cc:** Smith, Jeffrey <[jsmith@themacresourcesgroup.com](mailto:jsmith@themacresourcesgroup.com)>; Peacock, Deborah <[dpeacock@peacocklaw.com](mailto:dpeacock@peacocklaw.com)>; Juan Velasquez <[jvelasquez@vemsinc.com](mailto:jvelasquez@vemsinc.com)>; John Bokich <[jbokich@gmail.com](mailto:jbokich@gmail.com)>  
**Subject:** Copper Flat Mine hearing

In 1993 I had the privilege to serve as one of the two industry members on the Technical Advisory Committee, appointed by the Secretary of NM Energy, Minerals and Natural Resources Department, to craft the rules to implement the New Mexico Mining Act. For this experience, I can say that the Act and the rules were never intended to be used to delay or prevent the approval of new mines, but in fact the opponents of mining have used provisions in the rules to keep any new, regular mine from being permitted since the Act was passed. Our neighboring western states have been able to protect the environment while also permitting responsible mining; New Mexico's Mining Act does this as well if applied as intended.

The Copper Flat Reclamation Permit Application has been reviewed and found to be approvable on its technical merits. Knowing this, the opponents have used, again, a familiar tactic to avoid or delay the final, critical step in permitting – the public hearing. They have had ample time to prepare, so no delays are justified.

Having been through this process myself, I know how frustrating and costly these delay tactics are and how damaging they are to the economic development and prosperity of New Mexico. I encourage you to support the completion of the permitting action outlined in the Mining Act and allow the public hearing for the Copper Flat project to proceed as scheduled on August 21-22, 2018.

Thank you for your consideration.

Alan Kuhn, PhD, PE, RG

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Alan Kuhn Associates LLC  
13212 Manitoba Dr. NE,  
Albuquerque, NM 87111  
505 350 9188



**Ennis, David, EMNRD**

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**From:** kuzdrowski <tedletha105@gmail.com>  
**Sent:** Monday, August 13, 2018 7:53 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine

To Whom this may concern,

I hope you will quit listening to educated fools, phony environmentalists, and Citizens Against Virtually Everything. These groups are not community builders because they destroy the economics of a community by holding our economies hostage. These people have held up THEMAC for the past several years which in turn holds them up from hiring people that needs a good job. You must quit kicking this project down the road for the sake of a few disgruntled people.

I support the Copper-flat mine project because of all the meetings I have attended, and all the research I have done. THEMAC is very conscience about what they are doing. This company even has a plan to make this project useful after the mine becomes exhausted. I hope you will give THEMAC the necessary permits to get this mine operating once again. Please don't keep holding THEMAC and our County hostage for the sake of a few disgruntled people.

Sincerely,

Ted Kuzdrowski

PO Box 1445

Elephant Butte, N.M. 87935

email [tedletha105@gmail.com](mailto:tedletha105@gmail.com)

8-13-18

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Wednesday, September 5, 2018 12:48 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine

**From:** Sharon Sprague <shsprague1@gmail.com>  
**Sent:** Wednesday, September 5, 2018 11:26 AM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** Copper Flat Mine

Dear Sir,

I have seen and heard the destruction and disturbance of copper mines while living in Tucson. Please do not permit the Copper Flat Mine. Please protect southern New Mexico.

Thank you,  
Sharon Sprague

## Ennis, David, EMNRD

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**From:** Linda Glova <lglova15588@gmail.com>  
**Sent:** Saturday, September 15, 2018 8:49 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Copper Flat Mine

Dear Folks,

I am writing to beg you to deny DISCHARGE PERMITS and anything pertaining to the mine.

New Mexico is water deprived. We ( the people ) need water animals need water farmers need water. I can't think of anything that doesn't need water to LIVE. A mine that will not provide jobs will take and ruin the water is NOT needed. I can't even believe it is even being considered.

PLEASE DENY DISCHARGE PERMITS and MINE PERMITS.

CLOSE IT DOWN once and for all.

Find something else to focus on that won't affect peoples lives but maybe benefit the good.

Sincerely

John & Linda Glova

Sent from [Mail](#) for Windows 10

**Ennis, David, EMNRD**

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**From:** Fiona Van Reisen <fiona@fionavanreisen.com>  
**Sent:** Sunday, September 16, 2018 3:38 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Please stop the MN Copper Flat mining - it will devastate the environment

Mr Director,

Please do not go to your grave knowingly allowing this wrong to the environment. It's a lose lose and there's no coming back.

Got a conscience? It will hurt many people as well as ruining the landscape.

Please consider yourself as able to stop a wrong.

Fiona van Reisen

**Ennis, David, EMNRD**

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**From:** Sharon Eastvold <foleyvold@gmail.com>  
**Sent:** Monday, September 24, 2018 11:56 AM  
**To:** EMNRD-MMD.Director  
**Subject:** No Copper Flat Mine Discharge Permit

To whom this may concern,

I am a resident of Truth or Consequences, NM. I have enjoyed the beauties of the Animas River, Ladder Ranch and surrounding lands of the Black Mountain Range for many years. This is a fragile landscape with rare beauty and limited water.

This area is also a significant draw for eco-tourism for which the area is dependent. Sierra County is one of the poorest counties in New Mexico. The Copper Flat Mine does not offer sustainable employment, nor dependable income for the people who live here. It is not a cost effective use of limited natural resources.

The Copper Flat Mine will draw down what limited water there is in the Animas Creek. The remaining water will be put at great risk for irreparable pollution. Farmers and ranchers down stream would be at risk from this draw down of a limited water source. We have a variety of rare species which are dependent on the water from the Animas Creek: the Chiricahua Leopard Frog and Yellow-billed Cuckoo, among other native fish, frogs and unique riparian animals that dwell in the associated forest.

Please deny the Discharge Permit for the Copper Flat Mine. We can not afford the long-term impacts that could not be remediate in our lifetimes, if ever.

Sincerely,

Sharon Eastvold  
1301 N. Silver St.  
Truth or Consequences, NM 87901  
505 803 4644

**Ennis, David, EMNRD**

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**From:** Karon Morgan <karonjdm@gmail.com>  
**Sent:** Tuesday, October 16, 2018 4:26 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] support for the Copper Flat Mine Project

I am offering my opinion as a small business owner and resident of Sierra County since 1971. I raised 5 children and have operated a business for more than 45 years here and it has always been a struggle because the special interest groups have chosen to render opinions on how everything should be done with no actual solutions or knowledge of the hardships imposed on the local families that live here. Without development and some progressive investments that a project such as the Copper Flat Mine Project will bring into the area, we will not have any improvement of our lives.

There is nothing in this world that would make me happier than to see jobs and growth in this community so that our children and grandchildren could have a future here. I am convinced that the agencies and people involved in this project want the same thing for this community. Everything that can possibly be researched and done to protect our environment has been addressed over and over again. So now let's move forward to do what we can to protect our future by providing jobs and other resources for the families that already make Sierra County their home. The Copper Flat Mine Project will help to ensure a bright future to southern New Mexico. Please step aside and let the mining begin. Our future depends on your positive actions.

Sincerely yours,

Karon J. Morgan,  
owner and operator of Morgan Marine Inc. ( a business that has been family owned and operated in Sierra County for more than 66 years) over three generations.

**Ennis, David, EMNRD**

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**From:** Nolan Winkler <nolanwinkler@windstream.net>  
**Sent:** Wednesday, October 17, 2018 1:28 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Oct. 23/24

I would like to give my public comments at the scheduled meeting for this subject:

## SI027RN Copper Flat Mine

Is there a special time for public comments? I live in Hillsboro and don't care to spend the entire day in TorC. If you could narrow it down to a couple of hours?

Thanks so much,  
Nolan Winkler

**Ennis, David, EMNRD**

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**From:** rspeakes@valornet.com  
**Sent:** Thursday, October 18, 2018 3:22 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] "NO" to the for the Copper Flat Mine permit

Dear Sirs:

I write to express my strong opinion that the Copper Flat copper mine NOT be permitted to open. There are many reasons for this.

Firstly, there's not nearly enough ground water for this facility to use for its operation. Then, to store the waste water in a rubber-lined pool with no reuse possible with this water will have a very negative effect on the environment. One of our principal economic assets here is Tourism. People come to our area to enjoy the pristine landscape along with the lovely flora and fauna. A huge mine and its wastes would create a massive stain on the land. This would certainly harm the land, wildlife and our ability to attract tourism here.

Secondly, by using the minimal ground water underlying this general area, there would be a much decreased supply for trees and other wildlife. This includes our stand of Western Arizona Sycamore trees which mainly grow in the Animas Creek valley area. We know many people come to see these remarkable trees. A lowering of the water table will surely negatively impact these trees. Presently this stand of trees are considered by some to be a fossil stand of trees. That is, they aren't reproducing themselves due to low ground water supply.

These issues themselves are enough to put a stop to this permitting process. But I will also add that we in this area know that it's really not going to be an economic boost for people here. Jobs will go to workers from out of the area. Roads will be harmed by the 'round the clock heavy use by large vehicles.

Thanks for your attention,

Rebecca Speakes  
808 N. Pershing Street  
Truth or Consequences, NM 87901



**Ennis, David, EMNRD**

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**From:** Barbara Fix <baafix@earthlink.net>  
**Sent:** Monday, October 22, 2018 4:39 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats Mine Permit

Dear Minerals and Mining Division Director:

I am writing to urge you to deny the application to operate the Copper Flats Mine. Though I live in the northern part of New Mexico I travel to the Hillsboro area two or three times a year, either on my way to the Gila and Silver City or to vacation in T or C, where I greatly enjoy "taking the waters."

Among the many reasons to object to this application are the effects of the mine's operation in mining the groundwater that sustains the Hillsboro community and nearby ranches and farms. With no impermeable liner for the waste pile, the toxic waste will contaminate streams unto the Rio Grande. The blight of the operation will destroy the comfortable and easy feel of the town that draws travelers such as I to stay in the local lodge and enjoy meals at the cafe and visit the town's museum.

As this mine has been long out of operation, eventually it will be again, even though to safeguard the public and private interests it will have to be maintained forever. The financial assurance in the application simply is not adequate. The cost of monitoring and restoring the land and groundwater after that will fall on either private property owners or the taxpayers.

For these reasons and many more, I urge you to deny the permit.

Respectfully,

Barbara Fix  
610 Alicia Street  
Santa Fe, NM 87505-1048  
(505) 989-8654  
baafix@earthlink.net

## Ennis, David, EMNRD

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**From:** Rebecca Hallgarth <rhallgarth2@gmail.com>  
**Sent:** Monday, October 22, 2018 8:00 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comments, NMCC's request for new mining operation permit for Copper Flat Mine

Dear Sir:

I don't believe that it's in the best interest of New Mexicans to grant New Mexico Copper Corporation's (NMCC) request for a new mining operation permit for the Copper Flat Mine in Sierra County.

For this reason, I oppose granting the permit.

Consumption of over 6,000 acre-feet of water a year for NMCC's proposed mining operation is a poor use of water in a dry region of a dry state. The 6,000+ acre-feet of water cannot be returned to the ground after use because of contamination by the mining process and will be lost to evaporation. According to NMCC's hydrologic consultant John Shomaker & Associates, Inc., in its December 2017 *Probable Hydrologic Consequences of the Copper Flat Project, Sierra County, New Mexico* (JSAI report), the groundwater depletion that would result from NMCC's proposed mining operation is expected to last more than 100 years after the mine operation ends (Table 3.1).

Groundwater levels are projected to drop by "less than a foot" to between one and two feet in Animas and Percha Creeks (JSAI report at 3.1.7), and by 70 feet near the identified production wells. NMCC proposes to mitigate effects of its pumping on existing wells owned by others, but it isn't possible to mitigate effects on groundwater generally and the natural systems it supports.

Reduced discharge of ground water to the Rio Grande and Caballo Reservoir will occur as well. According to the JSAI report, reduction in discharge from the Santa Fe Group Aquifer will reach an estimated 2,080 acre-feet per year, and will not have fully recovered 100 years after the end of mining (JSAI report, P. iii). NMCC proposes to offset the reduced discharge to the Rio Grande and Caballo Reservoir through an agreement with the Jicarilla Apache Nation that provides for releases of water from Heron Reservoir in northern New Mexico for a 15-year period, but as noted, reduced discharge is expected to continue for decades.

Any profits of Copper Flat Mine operation will accrue to the foreign owners of the mine. The possible benefits to New Mexicans of the mine operation (a limited number of jobs for a possible 11-year operating period) are far outweighed by the loss of scarce water that is depended on locally and downriver for domestic and agricultural use and to support the natural environment of southern Sierra County and the lower Rio Grande.

I note that the Copper Flat Mine Permitting Chronology (Milestones/Timeline of Events) published on the EMNRD Mining and Minerals Division website lists, as the three activities that have not yet occurred, "Public Hearing on the Permit Application Package", "Public Comments Due (30 Days After Public Hearing Ends)" and "MMD Director Approval of Permit, Permit Issued".

It appears from these timeline entries that a decision has already been made to issue the permit, regardless of issues that might be raised in the upcoming hearings and other public comments. I hope that this isn't so.

Sincerely,  
Rebecca Hallgarth  
P.O.Box 252  
Hillsboro, NM 88042

## Ennis, David, EMNRD

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**From:** Susan Binneweg <susanbinneweg@zianet.com>  
**Sent:** Monday, October 22, 2018 8:21 PM  
**To:** EMNRD-MMD.Director; Owen Jones  
**Subject:** [EXT] Copper Flat Mine Operating Permit Hearing

Dear Sir,

We are residents of Kingston, NM. We have thought about this issue for months. We have read extensively and talked to many friends and neighbors in Kingston, Hillsboro and Animas Creek who will be directly affected by the Copper Flat Mine.

We have a major concern: **Of what benefit is this mine to citizens of Sierra County and the State of New Mexico?**

The **jobs** promise includes few Sierra County residents. There may be a short term boost to the local economy and when the mine "plays out" this area is left with the mining detritus and a promise of remediation. Historically the corporations who own the mines declare bankruptcy to avoid the post boom clean up. In Kingston, the post "silver boom" left open, deep mine shafts, plus a residue of toxic waste. That is the story of mining in the West: boom, bust and move on.

The impact on the **water supply** in this area will be significant. We are in a drought. We live in Kingston, NM and the Middle Percha Creek is dry. We have not seen this in our 12 years of full time residency. The same can be said of the Los Animas Creek. It is dry. I repeat, we are in drought conditions in Sierra County and it makes no sense to approve of an operation that stands to further deprive this region of much needed **fresh** drinking water (to the tune of an estimated 6,100 acre feet per year or over **5 million gallons per day**). The average householder in this area is granted 3 acre feet per year. Humans need fresh water and the fauna and flora of the Black Range need this vital resource.

The impact on the highway **infrastructure** (Highway 152) is also significant. An unanswered question in our minds: where will the copper ore be smelted? And how will it be transported?

**We do not see a benefit for the people or the natural environment of this area** and we are respectfully asking that the Mining and Minerals Division of the New Mexico Energy Minerals and Natural Resources Department will have the courage to **DENY** a mine operating permit to NM Copper Corporation.

Thank you,

Susan Binneweg and Owen Jones  
118 Kingston Main Street  
Hillsboro, NM 88042

**Ennis, David, EMNRD**

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**From:** susan selbin <sselbin@hotmail.com>  
**Sent:** Tuesday, October 23, 2018 12:47 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Deny Copper Flat Mine Permit

Dear Director,

As a New Mexico resident, I ask that you deny the permit for the Australian mining company that wants to reopen the old Copper Flat Mine in Hillsboro.

If the Mine gets permits from the federal and state governments, it will threaten the economy, water, air, and wildlife of Sierra County and beyond.

Please - deny the permit.

Thanks for your consideration of my request.

Susan Selbin

Albuquerque, NM

**Ennis, David, EMNRD**

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**From:** Dianne Urey <diurey@yahoo.com>  
**Sent:** Tuesday, October 23, 2018 7:44 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Deny the Copper Flat Mine Permit

Please this is horrible for the environment and the people. I own retirement property in the area. I will NOT relocate in this area if the mine is allowed to operate.

Thank you,

Dianne Urey

Sent from my iPhone

## Ennis, David, EMNRD

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**From:** Doug Abbott <doug@intellimetrix.us>  
**Sent:** Tuesday, October 23, 2018 8:25 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Operation Permit

To: Director, Mining and Minerals Division,

I strongly oppose the operation permit for the Copper Flat New Mine near Hillsboro. The mine proposes to use up to 6100 afy of fresh water when NM Copper Corporation (NMCC) has water rights for only 900 afy. Pumping that much water would lower the water table around the mine site threatening domestic and agricultural water supplies in the Hillsboro and Arrey area.

The Mining Act requires that a "self-sustaining ecosystem" be established after the mine closes. As proposed, NMCC simply cannot meet this requirement. There is no provision to reduce toxicity in the pit lake sufficient to allow use by wildlife that will inevitably be drawn to a source of water. The waste rock piles have no liners, meaning a potentially constant acid drainage from the site. Consequently, the site will require perpetual maintenance and treatment, a condition not allowed under the Mining Act.

The New Mexico Environment Department (NMED) is required to provide a determination that the mine as proposed will meet state Water Quality Act requirements. That determination has not yet been made. The draft discharge permit as a whole is inadequate.

For these and other reasons, I find it appalling that MMD would consider approving this operation permit.

--

Doug Abbott  
Principal Consultant, Intellimetrix  
Linux for the Real World  
575-590-2788

[www.intellimetrix.us](http://www.intellimetrix.us)

**Ennis, David, EMNRD**

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**From:** Ella Joan Fenoglio <ellajoan@highfiber.com>  
**Sent:** Tuesday, October 23, 2018 8:44 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat New Mine Operation Permit

Please DENY the Copper Flat New Mine Operation Permit. It will harm the environment. We need to invest in the future of our country for our children and grandchildren.

Thank you,

Ella Joan Fenoglio  
4427 Avenida del Sol NE  
Albuquerque, NM 87110-6178  
phone 505-266-1955  
text 505-459-4962

## Ennis, David, EMNRD

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**From:** Hilario Romero <hilarioromero99@yahoo.com>  
**Sent:** Tuesday, October 23, 2018 11:31 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Testimony

Dear Fernando Martinez,

As Director of the NM Mining & Minerals Division you have a grave responsibility to uphold the future of our land, water, air and beautiful ambiance.

I call on you to look at the collective problems that the Copper Flat Mine operating permit has on the future of a beautiful and clean area of our state. I have enjoyed trips with family and friends to and through Hillsboro for decades. I know a few people who live there. They enjoy their solitude and peace in a clean and healthy environment. Please think of them and what they have to deal with in the future.

New Mexico has been slowly losing its fresh water sources for the past twenty years due to drought. We cannot afford to be using fresh water so that one company can make millions of dollars and slightly benefit the area and New Mexico as a whole. Our current lawsuit with Texas and now the U.S. government and Mexico, will most likely end up with New Mexico having to give up more water to Texas and Mexico. This is a similar problem because this company wants to pump over 6,000 acre feet of water yearly in an area that has already pumped excessively in the past and will have to stop in the future. When you pump water, pollute it, you have to find a way to get rid of it. The history here in New Mexico has shown that it ends up contaminating ground water.

The few jobs that come from this type of operation has always been a problem in New Mexico. These companies always tout this benefit but the truth is that they will bring most of their own workers with them. This is also a temporary thing. Will there be ore? Will there be enough to make a profit? They project for maybe 10 to 12 years. What about clean-up? The history of mines in New Mexico is that they do not truly clean up and restore the areas that they mine. I could give you a long list of them, but I am sure you know that already.

Please do not approve this permit until all of these concerns are taken seriously. There are many other concerns that people have regarding this permit, but these are what I feel are the most important.

Thank you for your review and consideration,

Sincerely,

Hilario E. Romero  
Former New Mexico State Historian  
Retired Professor of History  
Author and Concerned citizen



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**Ennis, David, EMNRD**

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**From:** kuzdrowski <tedletha105@gmail.com>  
**Sent:** Tuesday, October 23, 2018 11:59 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper flats .

To Whom this may concern,

I hope you will quit listening to educated fools, book smart environmentalists, Citizens Against Virtually Everything, and the prosecuting attorneys who are trying to make fools out of the engineers who are working on this project. The last hearings I went to on this project the words I heard most were probably, maybe, might or could happen, assume that might case and etc. These words and groups are not community builders because they destroy the economics of a community by holding our economies hostage. These words and people have held up THEMAC for the past several years which in turn holds them up from hiring people that need a good job. You must quit kicking this project down the road for the sake of a few disgruntled people.

I support the Copper-flats mine project because of all the meetings I have attended, all the research I have done, and working on similar projects. THEMAC is very conscience about what they are doing. This company even has a plan to make this project useful after the mine becomes exhausted. I hope you will give THEMAC the necessary permits to get this mine operating once again. Please don't keep holding THEMAC and our County hostage for the sake of a few disgruntled people.

Sincerely,

Ted Kuzdrowski

PO Box 1445

Elephant Butte, N.M. 87935

email [tedletha105@gmail.com](mailto:tedletha105@gmail.com)

10-22-18

**From:** Rebecca M Summer <becsummer@gmail.com>  
**Sent:** Tuesday, October 23, 2018 2:43 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Permit for the Copper Flat New Mine Operation

We urge you to DENY the Copper Flat New Mine Operation Permit for the following reasons:

- \* **The Mine's Water Use Would Seriously Damage Sierra County and Beyond** – NM Copper Corporation (NMCC) says it needs up to 6,100 acre-feet per year (afy) of fresh water. NMCC has water rights for only 900 afy, which is insufficient to operate and properly close the mine. Pumping up to 6,100 afy would lower the water table around the mine site. This will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies. Pumping up to 6,100 afy would reduce flow in the Rio Grande.
- \* **Permit Will Not Lead to "Self-Sustaining Ecosystem"** – The mine permit will not lead to a "self-sustaining ecosystem" after the mine closes as required by the Mining Act. The pit lake has no provision to reduce toxicity sufficient to allow use by wildlife that will be drawn to the water. The waste rock piles have no liners, which could mean constant acid drainage from that site. As proposed, the mining operation will need perpetual maintenance and treatment, which is not allowed under the Mining Act.
- \* **Financial Assurance is Inadequate** – The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation. NMED has said they want at least a 100-year period of post-mining monitoring and maintenance at the site, but so far, NM Copper Corporation and its foreign owners want just 25 years.
- \* **NM Environment Department's Determination Not Made Yet** – NMED is required to provide MMD with a determination that the mine as proposed will meet state Water Quality Act requirements, but NMED has not yet made that determination. NMED's draft discharge permit as a whole is inadequate. Unless NMED revises its permit, it cannot determine that the mine will meet the requirements of the Water Quality Act.
- \* **Best Management Practices Are Not Proposed** – MMD needs to place permit conditions requiring the most appropriate technology and best management practices to limit dust, light, and noise, as well as the most appropriate technology and best management practices to protect human health and safety, the environment, wildlife, and domestic animals as mandated under the Mining Act.
- \* **Transport Trucks Would Severely Damage Highway 152** – Hwy 152 does not have the substructure required for the weight of a daily stream of heavy ore trucks on its surface. The NM Highway Department does not have the funds to make up the difference between actual cost for repairs and the NMCC contribution to costs.

Thank you for your consideration of these important issues that will not go away if the permit is accepted.

Rebecca M Summer, PhD Process Geomorphology  
Richard Ducotey  
Silver City, NM

**Ennis, David, EMNRD**

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**From:** mayor@villageofwilliamsburg.com  
**Sent:** Tuesday, October 23, 2018 4:21 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Public Comment

October 23, 2018

My name is Deb Stubblefield, Village of Williamsburg Mayor. I would like to express my support for the Copper Flat Mine Project. The Village of Williamsburg formally adopted a Resolution in support of the Copper Flat Project. I believe it will have a positive impact on Sierra County by providing well paying jobs and much needed growth for the local economy. I am asking that you proceed through this process without delay.

Thank you,

Deb Stubblefield  
Mayor  
Village of Williamsburg

**Ennis, David, EMNRD**

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**From:** Stan Brodsky <stanandrob@windstream.net>  
**Sent:** Tuesday, October 23, 2018 5:30 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine water usage

The latest estimate I have is that the mine will be using about 6100 acre-feet of water per year. An average home uses under 1 acre-foot per year, so the mine water usage would be like adding at least 6100 families to Hillsboro and the surrounding areas. Like other residents of this area, the water for my house comes from a well we dug when we built the house in 2007. We've lived here (Hillsboro) for 11 years. About twice each year we cannot get water from our well when we turn on a faucet. So, we just don't use any water for about 3 hours, which is the amount of time it takes our well to recover. I am very concerned that the mine's water usage will mean I have to dig another well, much deeper than our current 200 foot well, and we still may not be able to get water in the areas we try to dig another well because of the mine's water usage.

I would like a response to this email telling me whether I'm correct or not in my concerns, and if I am correct, what can be done to alleviate my concerns. Every home in Hillsboro located on Berrenda Ranch or the Lake Valley home site area is on a well. I would hope you can protect us from losing our water supplies when the mine opens.

Thank you.

Stan Brodsky  
39 Tulpia Trl  
Hillsboro, NM 88042

575-895-5551

## Ennis, David, EMNRD

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**From:** Don & Mary <cardynavery@gmail.com>  
**Sent:** Tuesday, October 23, 2018 6:46 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comment on Copper Flats Mine Permit

Due to the weather and scheduling conflicts we cannot attend the hearing and offer the following comments.

From a report in the Albuquerque Journal about the arguments before the US Supreme court concerning the Texas/New Mexico water rights “All sides say the stakes are high, **given uncertainty about the sustainability of water supplies throughout the Rio Grande Valley.**” Water is the most precious commodity in New Mexico. The proposed mine is a gamble for short-term monetary gains for a few against long-term destruction of the watershed, many unique ecosystems and the current culture of the area. It could permanently, negatively alter the character of the surrounding community for the monetary gains for a few. No decision on this matter should be made until the Texas/New Mexico water rights case is decided. Even then this proposed mine should be denied because of the numerous possible negative impacts that have been brought to your attention by concerned citizens.

Don Avery  
Mary Cardyn

36 General Crook Rd  
Hillsboro NM

575-895-5191

**Ennis, David, EMNRD**

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**From:** lyndastar222 <lyndastar222@gmail.com>  
**Sent:** Tuesday, October 23, 2018 11:22 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] For Copper Flat Mine Project

I Am for the Copper Flat Mine Project.  
I believe that it will be Great for jobs and the economy.  
I believe anything bad it can do, has already been done.  
I believe they will do what they can to make it as safe as possible.  
Sincerely,  
Lynda Thompson

Sent from my Samsung Galaxy smartphone.

**Ennis, David, EMNRD**

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**From:** Gale Perry-Crawford <equinut@gmail.com>  
**Sent:** Wednesday, October 24, 2018 6:45 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Project support

Recently, I toured the Copper Flat Mine Project and was delighted to learn of plans to train local residents for positions with the project. As a retired high school teacher with the Truth or Consequences School District, I am very concerned that our community is not doing enough to create jobs in our county that pay a living wage. It is my understanding that the project plans to create a minimum of 181 jobs during construction and job opportunities will grow during operation. Those job opportunities reflect approximately 3 years of graduating classes from Hot Springs High School.

As a 20-year resident of Caballo, I have heard concerns about the effect of the projects water usage in our area. During the tour, explanations of how this concern would be addressed seemed sufficient.

Again, I urge the support of this project because it encourages young adults in Sierra County to remain here. Our aging retired population needs a younger balance in our community.

Respectfully,  
Gale M. Perry-Crawford



**Ennis, David, EMNRD**

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**From:** Ted Pape <tpape@sccog-nm.com>  
**Sent:** Wednesday, October 24, 2018 8:23 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Project

Thank you for letting me participate in public comment by e-mail.

My family has lived in Sierra County since the mid 1970's. I operated a small business in T or C for 34 years, we enjoyed the short but beneficial time that the Quintana mine was operating at the Copper Flat sight.

Sierra County badly needs the economic impact of a large employer. Our population and tax base are shrinking and this kind of employment opportunity is exactly what the area needs.

I completely support the reopening of the mine.

Ted J Pape

Sierra County Resident

## Ennis, David, EMNRD

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**From:** rick burns <roryrick@hotmail.com>  
**Sent:** Wednesday, October 24, 2018 10:18 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] COPPER FLAT MINING PERMIT

Howdy.

I think the permit should not be granted for the following reasons:

1. There is inadequate protection or remediation actions to safeguard private water wells near the mine pumping station. As per the BLM: Even at the lowest projected fresh water use rates, the Bureau of Land Management finds that both Surface Water Use and Groundwater Resources will be adversely affected a "significant" amount. "Impacts to the regional water budget, including flows of the Rio Grande, would be significant. These impacts would be large in magnitude, long-term, and certain. Water budget impacts would begin to reduce once mining ends." Even after 100 years the reduced flow created by the mine would be 11,730,636 gallons a year.
2. There is no requirement for the permittee to repair damage to NM 152 caused by heavy mine related traffic.
3. The time required to collect and test for ground water contamination is too short. I feel that 100 years would be better than the specified 25 years because ground water moves very slowly.
4. There is no requirement for the mine to have shielding to prevent night lighting from escaping upward into the sky. The mine site is currently in a very dark (non illuminated) area that would be negatively impacted by non shielded lighting.
5. I feel that there should be a third party calculate what the reclamation bond should be. I am sure the figure of  $\pm$  \$56M would prove to be inadequate to perform a complete reclamation of the site.

Rick Burns  
Caballo,NM



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## Ennis, David, EMNRD

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**From:** jan haley <jhaley152@gmail.com>  
**Sent:** Wednesday, October 24, 2018 10:32 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine

My name is Jan Haley and I'm a resident of Hillsboro, NM. I am against the proposed Copper Flat Mine operation. In addition to concerns about damage to Highway 152 due to constant traffic from large transport trucks, the standing toxic water that will negatively impact wildlife and the fact that this operation will not provide the promised jobs for residents of Sierra County, my main concern is the potential, and probable, impact on our fragile water drainage.

In November 2016, I joined the protest at Standing Rock Reservation in North Dakota. I was there for two weeks along with thousands of other people in hopes of stopping Energy Transfer Partners, a Texas oil company from completing the Dakota Access Pipeline that crosses the tributary on the Standing Rock Reservation and feeds into the Missouri River. The argument was that the inevitable leaks in the pipeline would pollute the Missouri River downstream causing a potential environmental disaster for people and wildlife.

As a 4th generation New Mexican I understood, before I joined the protest, that water in the southwest is precious. My grandparents were ranchers in northeastern New Mexico during the Dust Bowl. The hardships my family endured during that time drove my lifelong understanding and appreciation for the value of water.

Being at Standing Rock for two weeks only strengthened my appreciation and understanding of Mni wičoni (Mni wi-cho-nee) —Lakota for "water is life". Without water there is no life.

Sadly, the protests did not stop the pipeline from being completed. Greed and political ambition dominated the needs and concerns of the less powerful people, an old and familiar story. Since the completion of DAPL, the pipeline has leaked at least 5 times. The biggest was a 168-gallon leak near DAPL's endpoint in Patoka, Illinois, on April 23, 2017. As with the promises being made by NMCC that there will no negative outcomes from the mining operation, Energy Transfer Partners made repeated public pronouncements that there would be no leaks in the pipeline and that the economic benefits would greatly benefit the people of that area. There will future leaks into the Missouri River and the people who depend on that river for their livelihoods, as well as the animals that depend on that water will suffer. It will never get better, only worse.

I'm using this case as an example of what happens when the desire for profit for a relatively few people in another area of our country (or in this case people from another country) can cause potential destruction of the livelihood and lifestyle of many thousands of people. We have a chance at this time in our history to put the lives and livelihood of people and wildlife over greed. This decision will ultimately come down to a small group of people deciding whether to allow this mining operation to proceed. I urge those people to put political sentiments aside, to admit that economic benefit will be minimal and to think clearly about the future of our water in this drought prone state and to do the right thing.

Mni Wiconi. Water is Life.  
Thank you,  
Jan Haley  
PO Box 152  
Hillsboro, NM 88042  
Jhaley152@gmail. com

**Ennis, David, EMNRD**

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**From:** tphipps@zianet.com  
**Sent:** Wednesday, October 24, 2018 1:02 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper flat, Hillsboro

Dear Director,

Re the Copper flat mine near Hillsboro, 1) what is their safety record for miners? 2) What is their safety record for water management & control? Did the company submit hydro-logical reports of water resource and plans for spill management? What will be the impact of such an event and what plans are in place if leaks are detected. Is there any assurance the water table for the surrounding area will remain reasonably stable?

Tim Reed

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Tim Reed

## Ennis, David, EMNRD

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**From:** Kathi Pape <kapape@gmail.com>  
**Sent:** Wednesday, October 24, 2018 1:19 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper flat mine

### **Subject: Copper flat mine project**

To whom it may concern:

I writing to express my very strong support of the Copper Flat Mine Project. My husband and I have been residences of Sierra County for 44 years and have seen many businesses come and go including the mine many years ago. The fact that the owners have pursued this reopening project for countless years and spent a tremendous amount of money to get this reopened, shows their commitment. As I said initially, Please consider this as a very strong statement of support for this endeavor.

Thank you,  
Kathryn A. Pape, Family Nurse Practitioner

Sent from my iPad

Kathi 🍷 ✨

Sent from my iPad

## Ennis, David, EMNRD

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**From:** jan haley <jhaley152@gmail.com>  
**Sent:** Wednesday, October 24, 2018 1:03 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mining Operation

My name is Jan Haley. I'm a resident of Hillsboro, NM and I am strongly against the proposed Copper Flat Mine operation.

In addition to concerns about standing toxic water that will adversely affect wildlife, damage to Highway 152 due to constant traffic from large transport trucks, and the fact that this operation will not provide the promised jobs for residents of Sierra County, my main concern is the potential, and probable, impact on the water drainage downstream of the mine.

In November 2016, I joined the protest at Standing Rock Reservation in North Dakota. I was there for two weeks along with thousands of other people in hopes of stopping Energy Transfer Partners, a Texas oil company, from completing the Dakota Access Pipeline that crosses the tributary on the Standing Rock Reservation and feeds into the Missouri River. The argument against the pipeline was that the inevitable oil leaks would pollute the Missouri River downstream causing a potential environmental health disaster for people and wildlife, and economic hardship for farmers along the River.

As a fourth generation New Mexican, I understood, before I joined the protest, that flowing water is precious. My grandparents were ranchers in northeastern New Mexico during the Dust Bowl. The hardships they endured during that time drove my lifelong appreciation for the value of good and plentiful water.

Being at Standing Rock for two weeks only strengthened my appreciation and understanding of Mni wičoni (Mni wi-cho-nee) —Lakota for "water is life". Without water there is no life.

Sadly, the protests did not stop the pipeline from being completed. Since the completion of DAPL, the pipeline has leaked at least 5 times. The biggest, 210,000 gallons, was near DAPL's endpoint in Patoka, Illinois, on April 23, 2017.

As with the promises being made by NMCC that there will no negative outcomes from the mining operation, Energy Transfer Partners made repeated public pronouncements that there would be no leaks in the pipeline and that the economic benefits would greatly benefit the people of that area. There will future leaks and the Missouri River and the people who depend on that river for their livelihoods, as well as the animals that depend on that water will suffer. It will never get better, only worse.

I'm using this case as an example of what happens when the desire for profit for a relatively few people from another region of the country, or another country, can cause potential destruction of the livelihood and lifestyle of many thousands of people.

We have a chance at this time in our history to put the lives of people and wildlife over greed.

This decision will ultimately come down to a small group of people deciding whether to allow this mining operation to proceed. I urge those people to put political sentiments aside, to admit that economic benefit will be minimal and to think clearly about the future of our water in this drought prone state and to do the right thing. It is the legacy that we will leave future generations. When the story of this battle for and against the mine is written, your names will be included. Will you, your children, and grandchildren, be proud that you supported a Canadian mining company for profit or will you be proud that you stood with the people in our communities who want to live here forever and to pass their land along to future generations. Please think about this. It matters more than money.

Mni Wiconi. Water is Life.

Thank you,  
Jan Haley  
PO Box 152  
Hillsboro, New Mexico



**Ennis, David, EMNRD**

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**From:** Bernard Quinones <bq87942@gmail.com>  
**Sent:** Wednesday, October 24, 2018 6:27 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine

As a concerned citizen to the condition of our county's economy with the poverty we have and the lack of jobs, we need this mine to go into operation. We have many residents that have had to leave to better jobs away from here, leaving their family and friends, this is an opportunity to get them back and with the jobs provided make this a vibrant community it once was.

The mining industry has gotten so much better than it was 30 or more years ago, and there is more government safe guards in place.

Please approve this project for the better of Sierra County

Bernard Quinones

## Ennis, David, EMNRD

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**From:** Debora Nicoll <4ncx123@gmail.com>  
**Sent:** Thursday, October 25, 2018 7:04 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat mine permit application

Director:

I had wished to give oral comment to the copper flat mine at the hearing but between not knowing when to show up on the first day and rain on clay roads the second day, I was unable to do so. Following is the comment I had wished to make. I'll follow this up with more specific comments.

Thank you  
Deb Nicoll  
88042

I am of several minds in regards to reopening Copper Flat Mine. One of the most pressing needs in this county is for jobs. It is not clear just how many mine jobs will be directly created for Sierra County and how many jobs will be lost as a result of water usage and contamination.

First, in exchange for water rights, NM Copper has agreed to 'give preference in employment' to members of the Jicarilla Nation and to maximize utilization of tribal members in all available employment opportunities. NM Copper plans to build a core group of skilled labor candidates through job placement and training assistance'. So it would seem that the jobs most likely to go to Sierra County residents should probably be given to members of the Jicarilla Nation.

I have heard it said that similar clauses are always put into contracts with Native Americans but they are never instituted. If true, this is reprehensible. How could we put our trust in the word of NM Copper?

Secondly, what guarantees of work do employees of the mine have? When the mine was last operated, in the 80's, ore was only extracted for 3.5 months before the mine was shut down. How can a person expect to keep a family fed, clothed, and housed with such uncertainty? How can a community plan?

The county government is planning to institute a so-called 'right to work' ordinance that would allow miners to opt-out of union membership with the assistances and support of fellow members that come with it. Will NM Copper protect it's employees by making employment contingent upon belonging to a union?

Likewise, the mine lifetime is predicted to be, at best, 10-15 years of continuous activity. What happens to workers when the mine closes? My best bet is a mass migration out of the county in search of more mining jobs. This would leave behind those who have had meagerly paying jobs in the service industries with no one to serve. This would leave behind housing stock with no one and no money to purchase. This would leave behind a county administration with no income and growing needs.

Third, what happens to the farmers, ranchers, small businesses, and retired people who rely on having access to clean, safe, water? Is NM Copper putting aside any, let alone adequate, financial assurances for these people? Will NM Copper drill deeper wells and provide for water purification for all who rely on our water supplies? Will NM Copper provide insurance for downstream businesses that might be lost due to loss of clean, safe water?

All-in-all, this mine seems to me a form of prostitution of our ways of life and the most vulnerable among us. Like all forms of prostitution, it is born of poverty and lack of opportunity. This is not the way out of our

difficulties and will result in more harm than good. Thus, in the long term, I am opposed to reopening Copper flat mine.

**Ennis, David, EMNRD**

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**From:** ConnNMex@windstream.net  
**Sent:** Wednesday, October 24, 2018 1:05 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] NMCC concerns - Hillsboro

Director Fernando Martinez,

Our names are Richard Spellman and Gloria Garcia Padilla Spellman (family who started Hillsboro). We returned to Gloria's home area in 1996 after working our career jobs in Connecticut. We are both volunteers with town activities, fire department, Community Center, Mutual Domestic Water Board of Directors and Catholic Church functions. Gloria is a descendant of the pioneer family that go back to the origination of this area. Her family has kept the history of this area since 1877.

We are deeply concerned about this whole scheme touted by the NMCC and owners "THEMAC. Their plan for removing ores from our area and taking it all out of country with little compensation to our County and State. More important is the miss use of our precious water. Allowing them mega- volumes water is totally unacceptable. Hydrologist we spoke to say it is possible over time that water supplies could dwindle to a point making area inhabitable.

My wife and I are both over 80 and probably will not be around in a few years, but think of people here and the whole Lower Rio Grande in the future. I can't believe our local government leaders think this whole operation is really go to be beneficial to our area. Jobs (filled by companies own people mostly), the promise of complete reclamation is totally unbelievable. Take a look to our west on route 152 about 20 miles and you see a mess – Chino Mine. Still moving the earth around like they actually are producing and apparently promising some locals ,Silver City, jobs.

Thank you for reading our comments.  
Please consider all who hope to remain here and the whole lower Rio Grande Valley.

Richard and Gloria Spellman  
Hillsboro, NM  
575-895-5244

**Ennis, David, EMNRD**

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**From:** Tami Garrett <dblarow@gmail.com>  
**Sent:** Thursday, October 25, 2018 9:52 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper flat mine project

My name is Tami Garrett and I'm a life long rancher farmer in Sierra county. I'm very much in favor of the copper flat mine. It would bring Industry growth and opportunity to our community. I raised two boys in Sierra County one is in the ranching industry the other a mechanic and if something was to happen they'd have no real means to support their family. The mine would be a wonderful addition to this county Growth and jobs in a dying town. Thanks for listening.

Sent from my iPhone

**Ennis, David, EMNRD**

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**From:** Lara Clement <lclement@torcschools.net>  
**Sent:** Thursday, October 25, 2018 10:55 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Comments

To whom it may concern,

I am emailing today to express my strong opposition to the Copper Flat Mine Project.

I am a property owner in the Animas Creek area, long time resident of Sierra County, district school employee, and taxpayer.

My opposition to the Copper Flat Mine project is regarding the environmental impact to the Animas Creek watershed. Not only is our unique riparian area and wildlife (and our sycamores) dependent on this water, which is an all-too-precious resource in the high desert, but my family and hundreds of other residents of the area are dependent on this water for living, farming, etc.

In the past years I have asked for information regarding the environmental impact study, to no avail, and during the testing phase several years ago, effects were seen both in the trees, impact on wildlife patterns, and in some resident's water supplies as well. This has never been discussed, and frankly, I feel that it was intentionally ignored.

As a resident of Sierra County and land owner in Animas Creek, my family and I are strongly opposed to the Copper Flat Mine Project.

*Lara A. Clement, RN BSN*  
School Nurse HSHS/TCMS  
180 N. Date St, TorC, NM 87901  
(575) 894-8385 Office/ (575) 635-3723 Cell  
lclement@torcschools.net

**Ennis, David, EMNRD**

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**From:** KeliKay Hopkins <khopkins@torcschools.net>  
**Sent:** Thursday, October 25, 2018 11:07 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Support of the Copper Flat mines in Sierra County.

Good morning,

I would like to express my appreciation and support for the establishment of the Copper Flat Mines in Sierra County, New Mexico.

Our community is rural, economically disadvantaged and extremely limited for any type of economic or employment development. Currently, only a small population of our students seek a secondary education and therefore become trapped in the "poverty cycle" that many times has a life-time of negative effects. I support the opportunities that the Copper Flat Mines could bring to Sierra County. Our children and community deserve seek out a better lifestyle with hope and possibilities through jobs and economic growth.

Lastly, the Copper Mine Flats have sowed back into our graduating high school seniors. In the past, the mines have awarded scholarships to students that were pursuing a college degree. Thank you for your contribution to our community and to the future generations of Sierra County.

Sincerely,  
KeliKay Hopkins

**Ennis, David, EMNRD**

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**From:** Denise <deniseb@secpower.com>  
**Sent:** Thursday, October 25, 2018 2:17 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine in Sierra County

October 25, 2018

My name is Robert Middleton. I was born here in Hot Springs (now Truth or Consequences), New Mexico. I own Los Arcos Steak and Lobster Restaurant in T or C. and have been in business here for over 48 years. I did not have a chance to speak at the NMCC Copper Flat Mine New Mining Operations Permit hearing. Thank you for allowing me to submit a written statement.

I have strong feelings about the positive economic impact that it will have on our struggling community and have seen the positive economic impact personally here in Sierra County. I was in business at Los Arcos in the late 70's and early 80's while the Quintana Mine was in the construction and production phase. It was the only time in the last 48 years that I have seen a significant economic impact in my business and in our community. Our community was flourishing due to workers with good paying jobs and paychecks to spend here in our community. It would be wonderful to see that again and for our youth to have the opportunity of choice to remain in our community without leaving for employment elsewhere as we have seen for years.

Thank you for your consideration.

Sincerely,

/s/ Robert Middleton  
Owner  
Los Arcos Steak and Lobster Restaurant



**Ennis, David, EMNRD**

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**From:** Dan Maxwell <swex@cybermesa.com>  
**Sent:** Thursday, October 25, 2018 3:28 PM  
**To:** EMNRD-MMD.Director; Jeffrey Smith  
**Subject:** [EXT] Copper Flat

Fernando,

It's been a while since we've seen each other; I hope all is going well.

I am writing to support approval of the Copper Flat permit application.

As you know, I've been active in New Mexico mining a very long time, this being my 43rd year in the industry. Since my arrival in 1975, I have witnessed the dying of many a rural community as, one by one, the mines and processing facilities shut down, often with catastrophic results. In the late 1980's, I did a study on the economic contributions of mines, both in terms of tax revenues and employment/supply payments, so it's easy for me to understand why a producing mine means so much to rural areas like Sierra County and T or C.

The reasons for this decline are many, but one of the key factors has been the elitist/environmentalist mentality that has dominated New Mexico for the last 35 years. They say our future is in tourism (the latest buzz phrase is "recreation economy"), film and the arts and high-tech, as well as continuing to be a ward of the federal government vis-a-vis the labs and military bases. Although all these areas are important, seasonal/part-time jobs don't provide community foundations for rural areas that are generally far away from the better government jobs, and with a school system that is nearly third-world, technology industries are difficult to attract.

In short, the anti-mining/anti-business/anti-development crowd has devastated the state's economy, and things are getting worse, not better. Like Jeff Apodaca, I'm tired of New Mexico being first on every list it ought to be last, and last on every list it ought to be first.

One of the surest ways out of this dilemma is to develop the resources we have. Mining may not be a "job of the future", but it pays well.

Sincerely, Dan Maxwell

**Ennis, David, EMNRD**

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**From:** candi Browne <candilight4u@gmail.com>  
**Sent:** Thursday, October 25, 2018 3:33 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] testing

testing

**Ennis, David, EMNRD**

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**From:** Jack Noel <lastnoel@hotmail.com>  
**Sent:** Thursday, October 25, 2018 3:35 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper flats comment

I stood up against this attempt to get NM water 20 years ago and have not changed my mind since. The idea to trade Jicarilla Apache water for the employment of there working age people is not a good idea - it deprives locals of the jobs, brings more alcoholics to our community (30% rate among eligible workers) that is already number one, by county, of death by booze and will be an eco disaster waiting to happen. Just a bad idea all around.

Thank you for allowing public comments but it will be decided by \$ and the courts, unless you guys put a stop to this continued exploitation of our limited resources/environment.

**Ennis, David, EMNRD**

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**From:** Mary Anne Ciania <maciania@gmail.com>  
**Sent:** Thursday, October 25, 2018 4:14 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Against the mine

Dear Sirs:

I was unable to attend the hearings in Truth or Consequences on October 23-24 due to being away from my home in Hillsboro.

I am against the reopening of this mine because of its negative impact on water resources and environmental concerns for our area. Our community does not need a project whose benefits accrue only to outside commercial and industrial interests.

The permit should be denied.

Mary Anne Ciania

**Ennis, David, EMNRD**

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**From:** Dulcie Ford <dulcieford@gmail.com>  
**Sent:** Thursday, October 25, 2018 6:24 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats Mine Comments

It appears that this Copper Flats Mine Application has been poorly planned and is poorly funded. I think that this mine will not bring any significant benefit to Sierra County and in fact could bring unplanned expense and liability that Sierra County doesn't need and my regret. Please support Sierra County's existing farming, ranching, and tourism industry by rejecting the Copper Flats Mine.

Thank You,  
Dulcie Ford  
1902 N Alabama St.  
Silver City, NM  
88041

**From:** Joel Mathews <joyelmathews@gmail.com>  
**Sent:** Thursday, October 25, 2018 8:18 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mining Permit

Dear Sirs:

Please note that I am a tax payer and voter and local resident and I object to this permit being given for the following reasons.

### **Mining & Minerals Division Mine Operating Permit**

The Mining Commission Should DENY the Mine Operating Permit because:

#### **The Mine's Water Use Would Seriously Damage Sierra County and Beyond**

In the draft Environmental Impact Statement, NMCC says it could require up to 6,100 acre feet per year (afy) of fresh water for mining operations, which is troubling for several reasons:

NMCC has water rights for only 900 afy and therefore cannot conduct mining operations at this time.

Pumping up to 6,100 afy would seriously drain and damage local streams;

Hillsboro, Arrey and other residential supplies; and farming water supplies

Pumping up to 6,100 afy would reduce inflow to the Rio Grande; the State of Texas is suing New Mexico in the US Supreme Court over mismanagement of the Rio Grande, and the Mine will make Texas's case that much stronger.

#### **NMCC Is Not a Good Steward of the Environment**

- NMCC was cited for numerous violations of reclamation procedures by both NMED and the Bureau of Land Management (BLM) after its last operational phase; some of these issues remain unresolved to this day

#### **There Is No "Self-Sustaining Ecosystem" in the proposed Reclamation**

- The mine permit will not lead to a "self-sustaining ecosystem" after the mine closes. The pit lake has no provision to reduce toxicity sufficient to allow use by wildlife, which will result in death or harm to wildlife using the lake waters. The waste rock piles have no liners, which could mean constant acid drainage from that site. As written, the permit will likely result in the need for *perpetual maintenance and treatment*, which is not allowed under the Mining Act.

### Financial Assurance

The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation

### NM Environment Department Determination is Inadequate

NMED provides a determination that the mine as proposed will meet Water Quality Act requirements.

NMED's draft discharge permit as a whole is inadequate. Unless NMED revises it, it is not a

responsible determination that the mine will meet the requirements of the Water Quality Act.

### Transport Trucks Would Severely Damage Highway 152

Hwy 152 does not have the substructure required for the weight of ore trucks involved in mining operations that would create a daily stream of such heavy loads on its surface.

The NM Highway Department does not have the funds to make up for the difference between actual cost for repairs and the NMCC contribution to costs.

### The Promise of Jobs For the Unemployed of Sierra County is Fake

NMCC's jobs claims are misleading. A provisional water contract commits NMCC to hire outside Sierra County first, and some jobs require skills and training that mean they will likely go to non-locals

When the Mine operated in 1982, the median income for the County didn't change and mining was 5th out of 7 sectors of the Sierra County economy in producing revenue

- **after** tourism, retail, farming/ranching and government.

Sincerely, Joel Mathews

**Ennis, David, EMNRD**

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**From:** The Barbershop Cafe <barbershopcafe@yahoo.com>  
**Sent:** Thursday, October 25, 2018 6:24 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comments regarding the Copper Mine

I was born in Hillsboro and I'm one of the few original residents remaining here.

Everyone has already addressed their concerns over water usage, contamination, the ground hog, sycamores, etc. Our concern is in regards to a declining community. We have a volunteer fire department of which my husband has been a member as an EMT and firefighter for eighteen years. He is also a certified water systems operator for the Hillsboro Mutual Domestic Water Association. My husband checks our private well regularly with a "sonar level meter" and in approximately 2010 the water level started dropping. This occurred for a little over a year. After that, and although we are still in a drought our water level has risen to the same level that it was when our well was dug. We believe that since we are about 13 miles from the Copper Flat wells and several hundred feet higher our wells in Hillsboro and Kingston will not be affected.

Sierra County was founded on the production of mines in the area. When the local mines closed the exodus began as families moved out of state to go elsewhere to find sustainable work.

When the town was thriving we enjoyed hay rides during holiday festivities, the famous Hillsboro Apple Festival and the overall joy and laughter from children in a neighborhood. According to the 2010 census the average age in our community was 56 years, add 8 years to that and you have quite a mature population. When we moved here eighteen years ago we had over 40 children. We currently have only five teenagers and they will probably leave the area as soon as they graduate from high school as there is no reason for them to stay here. Most of our young adults moved away after high school graduation to seek employment, and some families left in search of a better economic future. If there is hope for our young people to stay in Sierra County or for families desiring to relocate to this area we need the Copper Flats project to be approved. The opposition's real concern should be "what will this community look like in another five years and what about our aging fire department volunteers?"

I didn't have the privilege of meeting Mr. Cunningham until we had been here several years because he was also employed out of state. But that's exactly what people have to do for gainful employment.

Thank you for hearing my thoughts.

Angela Detloff



**Ennis, David, EMNRD**

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**From:** Diane Joy Schmidt <dianeschmidt22@hotmail.com>  
**Sent:** Thursday, October 25, 2018 9:20 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Deny Copper Flat New Mining Permit

Diane J. Schmidt  
PO Box 1923  
Corrales, NM 87048

Dear New Mexico Mining and Minerals Division,

I wish to add my voice to those who are pleading with you not to approve this new Copper Mining permit. Given the severe drought conditions in the state, we simply can't afford to degrade the quality of our state further with more copper mining activity. I have read the points raised by the environmental groups and they outweigh any perceived gain from further copper mining.

I have seen first-hand the short-term gains and long term losses from copper mining throughout New Mexico and Arizona over the last 25 years I have lived in these states.

Thank you for your consideration,

Diane J. Schmidt

## Ennis, David, EMNRD

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**From:** Bruce Cospers <brcbruce@outlook.com>  
**Sent:** Thursday, October 25, 2018 9:51 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Hillsboro Copper Flat Mine Supporter

To the MMD Director:

My name is Bruce Cospers and I am a resident of Hillsboro N.M. My family has lived here for four generations. My son and business partner Asa Cospers, who also lives here own and operate a construction company, Black Range Const. We are in support of the Cooper Flat Mine. I was living here when Cooper Flat opened and worked out at the mine for Quintana. At the time of the mine operating there was positive influence on the town of Hillsboro and TorC. Young families were able to live here and have decent work that payed well. The school bus that served Hillsboro carried a number of kids instead of the one or two that ride it now. Even when the mine was working at full capacity you would never know it on the streets of Hillsboro. I never heard of anybody's well being effected by the mine, I know for a fact that our well never fell below it's original static level. My uncle, Harvey Chatfield whose family homesteaded there Ranch in Animas creek never had any well problems that resulted from the wells that the mine pumped out of, if they did effect him, and his ranch you would have heard about it from him.

I trust that the your agency of the state will do there job, as well as Cooper Flat Mine to keep our environment safe and returned to a more natural state whenever the mine closes. I believe that the positive economics will carry on for years to come and will out way any of the negative that might occur. The fact of the matter is that our country was built on our natural resources, and we need to continue using them. What better way to help drive a struggling economy than to have a project like the Copper Flat Mine.

I am sure that you realize the people who oppose the mine are retired and have no interest in growing our economy. They have made their money somewhere else, and really don't care if the rest of us can continue to live here or not.

I want to Thank you for your consideration and time that you are taking in approving the Cooper Flat mining permit and look forward towards your continuing efforts in making this operation a success.

Thanks Again,  
Bruce Cospers  
Black Range Const.

Sent from [Mail](#) for Windows 10

## Ennis, David, EMNRD

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**From:** Melody Sears <tunessears@gmail.com>  
**Sent:** Thursday, October 25, 2018 11:36 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comments re: Operating Permit Application by NMCC for Copper Flat Mine

**DATE:** October 25, 2018

**TO:** Fernando Martinez, Director, NM Mining and Minerals Department

**RE:** Operating Permit, NMCC Copper Flat Mine

**FROM:** Melody Sears, Hillsboro homeowner at 10792 State Highway152, Hillsboro, NM 88042

With this letter I wish to express to the New Mexico Mining and Minerals Department that I firmly oppose your granting the operating permit requested by the New Mexico Copper Corporation (NMCC) for the Copper Flat Mine located near Hillsboro, NM. I own a home in Hillsboro, NM and I am very concerned about the effects of the proposed mining operation on (a) our water quality and supply, (b) the effects on our roads, (c) the effects on the environment, and (d) the dubious claims made by NMCC regarding additional employment for residents of Sierra County.

Specifically:

### (a) WATER

NMCC's claim that it needs 6100 afy of water in order to operate the mine would deplete ground water necessary for irrigation reserves and supply to farmers in the Arrey area. As well, the water table in the vicinity of the mine would be jeopardized, potentially affecting residential water supply to both Hillsboro and Arrey. It would also reduce water flows into the Rio Grande, and further threaten the state's obligations regarding the water compact agreement between New Mexico, Mexico and Texas, which is currently being litigated. Finally, in a period of drought, as this, it is derelict of any state government agency or person to allow precious water supplies that belong to the people of New Mexico to be poisoned and despoiled for decades? centuries? by any entity, especially foreign-owned companies who have no interest in New Mexico or its people beyond making a hefty profit.

### (b) ROADS

NMCC's Copper Flat Mine operations require numerous large, very weighty trucks and trailers to utilize NM State Highway 152 to move product from the mine area to a refinery. This road is inadequate to the task, due to an inadequate substrate that will need frequent repairs and resurfacing. This assessment is based on the views of former state highway department employees, who warn that the substrate of NM 152 is not only currently inadequate to carry such heavy loads but cannot be made adequate for such heavy use based on the currently proposed financial assurance planning of NMCC, Sierra County or the state.

### (c) ENVIRONMENT

The pit lake has no provision to adequately reduce toxicity so it could be used by wildlife. The waste rock piles have no liners and therefore constant acid drainage occurs. So there will be no "self-sustaining ecosystem" after the mine closes as required by the NM Mining Act. Also the financial assurance provided by the mine in its plan will not adequately cover long-term monitoring and maintenance of post-mining site reclamation. NMED wants a 100-year period of monitoring and maintenance, but NMCC has proposed only a 25-year period. In addition, the need for reclamation and long-term contamination monitoring and abatement requires a

strong financial instrument or some insurance bond to guarantee that it will be done no matter what—whether NMCC goes bankrupt or starts and stops operations a month or so at a time to postpone dealing with the contamination.

(d) JOBS

NMCC has made a contractual understanding with the Jicarilla Apaches to grant them preference for all jobs required to construct and operate the mine. How can they promise at the same time to hire residents of Sierra County for these same jobs? In addition, it is unlikely NMCC will hire Sierra County residents for high-wage jobs requiring specialized skills, since training for such specialized skills is generally not available in Sierra County, and will not be provided by NMCC, based on its official plans. Finally, since NMCC has only 900 afy to operate the mine, an adjudication that is currently under appeal (*the decision of which should legally precede any decision regarding an operating permit from the NM Mining and Minerals Department*), there is no way the mine could provide long-term, full-time, steady work to anyone, much less to the residents of Sierra County. If allowed to operate at all with 900 afy of water, the mine would have to operate for only a few months a year, at best, and employees would have to go on unemployment or look for alternative employment while mining operations cease when the amount of water based on adjudicated water rights has been reached each year.

I appreciate the opportunity to comment upon the operating permit provisions submitted by NMCC. Again, I firmly oppose that NMCC and Copper Flat Mine be issued an operating permit until and unless the concerns I have written here, as well as concerns expressed by other parties, be adequately and permanently addressed.

Sincerely,

Melody Sears

**Ennis, David, EMNRD**

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**From:** Shelby Schue <sole.schue@gmail.com>  
**Sent:** Friday, October 26, 2018 8:16 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper mine

I am totally against proposed copper mine. Shelby Schue

**From:** Susan Lynch <deekshasal@yahoo.com>  
**Sent:** Friday, October 26, 2018 8:21 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats Mining Permit

NMCC says it could require up to 6,100 acre feet per year (afy) of **FRESH** water for mining operations, which is troubling for several reasons:

Fresh Water is life.

NMCC has water rights for only 900 afy and therefore cannot conduct mining operations at this time

Pumping up to 6,100 afy would seriously drain and damage local streams; Hillsboro, Arrey and other residential supplies; and farming water supplies.

Pumping up to 6,100 afy would reduce inflow to the Rio Grande; the State of Texas is suing New Mexico in the US Supreme Court over mismanagement of the Rio Grande, and the Mine will make Texas's case that much stronger.

**The Impacts of water pollution, sound pollution, and land pollution** are all present in this concern. In turn these pollutions poison our bodies and steal our health.

**We ask that you refuse to grant NMCC's permit.**

Thank you

Susan Lynch

905 Joffre TorC

James Jacobsen

903 Joffre TorC

**Ennis, David, EMNRD**

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**From:** Stan Brodsky <stanandrob@windstream.net>  
**Sent:** Friday, October 26, 2018 8:39 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Proposal - comment

We moved to Hillsboro in 2007 after I retired because it seemed like a wonderful place to live. Quiet, beautiful, peaceful, friendly to wildlife. We built a home on Berrenda Ranch, off of Route 27, as many others have, and had a well dug to provide water. As you know, Hillsboro has no big stores, so we travel to T or C to do our shopping, visit a doctor or dentist, etc. It's a comfortable, easy drive. Much of this will change with the opening of the proposed Copper Flat mine.

First and foremost, our well will most likely go dry. The mine plans to use about 6100 afy of water. That's the annual water usage of about 9,000 families. Dug wells will dry up pretty quickly. In addition, the water used by the mine will be polluted, which will result in dying wildlife and vegetation. A Discharge Permit has not yet been issued by NMED for the mine, which tells me that I'm not the only one worried about pollution of our water.

Route 152 will deteriorate quickly, due to heavy trucks making constant use of that highway. A few years ago the state used Route 27 for soring and transporting gravel to various other roads in the county for repair. In doing so, we had constant traffic of heavy trucks on the road, and the road got torn up pretty badly from the heavy trucks. The road is much better now after a long state project to repair the entire highway 27. There is no way that Route 152 will survive constant heavy truck usage. In addition, of course, all those trucks on a 2 lane highway will create constant traffic problems.

I am not against creating jobs, but I don't think it's the right thing to do if it means ruining the lives of the families residing near the proposed mine by usurping their water supply and ruining the environment for residents of the Hillsboro, Kingston, and Caballo areas. What would you and your family want done about this mine proposal if you lived in this area?

Stan Brodsky  
39 Tulpia Trl  
Hillsboro, NM 88042

575-895-5551

**Ennis, David, EMNRD**

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**From:** Janice Gray <janice@adobehacienda-nm.com>  
**Sent:** Friday, October 26, 2018 10:08 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats Mine

To whom it may concern,

I was unable to attend any of the public meetings due to illness and job obligations so I really appreciate the opportunity to be heard

**I would like to request that the permits for the Copper Flats mine be approved. I am in very strong favor of the project and feel this will benefit not only Sierra County but the whole country.**

If Themac Corporation has met or exceeded their requirements for permitting, please proceed as soon as possible.

Thank you very much.

Have a wonderful day.

**Janice Gray**  
*Qualifying Broker/Owner*

**ADOBE HACIENDA REAL ESTATE**

402 Main  
Truth or Consequences, NM 87901

Office: (575) 894-2181  
Fax: (575) 894-1132  
Cell: (575) 740-6051  
Email: [janice@adobehacienda-nm.com](mailto:janice@adobehacienda-nm.com)



**Ennis, David, EMNRD**

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**From:** Elise Brienne <elisebriennemusic@gmail.com>  
**Sent:** Friday, October 26, 2018 11:14 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine

Thursday, October 25, 2018

To Whom It May Concern,

I am a resident of Truth or Consequences, in Sierra County, New Mexico. My partner and I bought a home and relocated here from New York in 2014-2015, largely because of the vast wilderness and protected land surrounding this area, as well as the hot mineral springs, relative peace and quiet, and a job opportunity with Ted Turner Expeditions (TTX).

In January of 2018, we gave birth to a baby girl. My partner has been employed as a Tour Guide with TTX on the Ladder Ranch since early 2015, and we are now building a family here. We will be directly impacted in a negative way by the proposed Copper Flat Mine in Hillsboro; it will impact his job security, our county's water safety due to potential groundwater contamination, and the natural beauty, tranquility, and wildlife we treasure so deeply in Sierra County.

We are not alone in this, and we stand behind every word of the presentation given at the hearing on Tuesday, October 23, 2018, by Steve Dobrott on behalf of TTX.

Sincerely,  
Elise B. Curtin

**Ennis, David, EMNRD**

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**From:** Susan A Christie <susan.christie1@icloud.com>  
**Sent:** Friday, October 26, 2018 12:00 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Regarding the Copper Flat Mine

I am writing to protest AGAINST the Copper Flat Mine.  
As a resident of T or C, and after having investigated the pros and cons of this operation,  
I am adamantly against this project.

1. There is inadequate water available for the published needs of the Mine.
2. Taking additional ground water from the surrounding area would cause irreparable damage to trees, residences, agriculture and other sensitive areas.
3. There is no way they will be able to abide by their promise of long term monitoring and upkeep.
4. Their inadequate preparation of the water water will contaminate the ground, become a toxic site for wildlife, domestic animals and the unforeseen contacts which are inevitable.
5. Provisions for transport, monitoring, permits, are again inadequate.
6. And finally, the number of jobs in the offing, and the length of the job possibilities does not offer stability nor a contribution to the community.

My personal opinion is this project, the Copper Flat Mine, is a cover to usurp water rights. The water is more valuable than any copper extraction possible.

Susan Christie  
905 N Foch Street  
Truth or Consequences, NM 87901  
575-894-1407

**Ennis, David, EMNRD**

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**From:** Bill Brown <mailwbbrownstudio@gmail.com>  
**Sent:** Friday, October 26, 2018 12:06 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Regarding the Copper Flat Mine

I am writing to protest AGAINST the Copper Flat Mine.

As a resident of T or C, and after having investigated the pros and cons of this operation, I am adamantly against this project.

1. There is inadequate water available for the published needs of the Mine.
2. Taking additional ground water from the surrounding area would cause irreparable damage to trees, residences, agriculture and other sensitive areas.
3. There is no way they will be able to abide by their promise of long term monitoring and upkeep.
4. Their inadequate preparation of the water water will contaminate the ground, become a toxic site for wildlife, domestic animals and the unforeseen contacts which are inevitable.
5. Provisions for transport, monitoring, permits, are again inadequate.
6. And finally, the number of jobs in the offing, and the length of the job possibilities does not offer stability nor a long term contribution to the community.

My personal opinion is this project, the Copper Flat Mine, is a cover to usurp water rights. The water is more valuable than any copper extraction possible.

William B. Brown  
905 N Foch Street  
Truth or Consequences, NM 87901  
575-894-1407

## Ennis, David, EMNRD

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**From:** Carl Brown <cbrown@bankofsw.com>  
**Sent:** Friday, October 26, 2018 12:16 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats

Secretary McQueen

As a longtime resident of Sierra County and now Dona Ana County, and having been involved in economic development activity in both locations, there is no question that the Copper Flats project would have a tremendous economic impact in Sierra County, one of the poorest in the State. Southern New Mexico has been home to mining projects for many decades and, in addition to lots of unmined deposit reserves, we have a lot of mining experience. I hope that this project receives the attention and support that it merits. Go Copper Flats!

*Carl A. Brown*  
*Sr VP / Rio Grande Div. Manager*

*Bank of the Southwest*  
*605 N. Water Street*  
*Las Cruces, NM 88004*

*575 932-9711 mobile*  
*575 527-5498 office*

**ShareFile:** [Click here](#) to upload files.

**Ennis, David, EMNRD**

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**From:** Catherine Berger <animascreekat@gmail.com>  
**Sent:** Friday, October 26, 2018 1:50 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] No Copper Flat Mine

Dear New Mexico Environment Department,

I am a resident of Sierra County, in Animas Creek. I have serious concerns about the flagrant disregard of environmental concerns agencies all over the united States have comitted. Your agency is charged with protecting the fragile environment of the desert southwest. Water is of a grave concern to all inhabitants of this region - farmers, ranchers, cities and towns, small farms, animals, trees - Water is life. To even consider using the amount of water that is proposed for Copper Flat Mine is insanity. Taking pure water, contaminating it, then leaving it in a pit lake as poison FOREVER makes no logical sense. Especially since this is such a small project with such a limited time frame, minimal positive economic impact to the State and County, and most assuredly negative financial and environmental impact on down the road, long after the owners of Copper Flat have left the country.

Copper Flat mine does not even have the water rights to run the mine, much less do any remediation after they have finished. This is, pure and simple, an attempted water grab and/or scam that needs to be shut down.

Catherine McDonald  
425 Animas Creek Road  
Caballo NM 87931

**Ennis, David, EMNRD**

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**From:** Bernard Quinones <bq87942@gmail.com>  
**Sent:** Friday, October 26, 2018 3:27 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine

Please approve application for the Copper Flat Mine to open up mining operations. We need the resources and the jobs that it will generate for our county and towns. They have a good track record and with the regulations in place it will be a viable operation..

Diane Quinones

Williamsburg, NM

## Ennis, David, EMNRD

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**From:** Angel Detloff <steveangelabus@yahoo.com>  
**Sent:** Friday, October 26, 2018 4:30 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Hillsboro area mining

I would like to add my thoughts on the Copper Flats mine proposal.

I have heard from both sides and have been in the background.

I work for the Hillsboro Water Association as a state certified Small Systems Water Operator. The directors are against the mine and should not be saying they are the majority of the users in Hillsboro as I interface with the public reading meters and operating the system. I know that our water level is about 30 feet below the ground level as we have nearly 10 years of data that show that from our sonar meter. Our 2 wells are placed nearly 300 feet below the ground which gives plenty of water. I feel that they will not be affected by the mine as the directors say. If research is done our water use is less than 20 acre feet a year and we are "entitled" to up to 212 acre feet a year according to the state engineers records. I think some can be diverted and leased to the mine to offset costs to run the system but the directors can not see any profit in this.

I see that most of the discussion in the Hillsboro area is based on FEAR and not any facts which people will not acknowledge. I choose not to live my life in fear that something is going to fall out of the sky and hit me. I believe that the Lord will provide for all of us, we just need to trust in him.

I WELCOME this mining project and hope you will approve the permits necessary to get this in operation.

Steve Detloff

Small Systems Water Operator

NM Certification #18905

## Ennis, David, EMNRD

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**From:** Martin Mijal <martinmijal@yahoo.com>  
**Sent:** Friday, October 26, 2018 5:10 PM  
**To:** EMNRD-MMD.Director  
**Cc:** Max Yeh  
**Subject:** [EXT] comments on Cu Flat re-Opening

Thanks to you for protecting our delicate, delicious NM environment!!!

Thanks for following & enforcing the 1993 Mining law. The beginning of the law (before the complex data & regulations) states that the over-riding goal of this law is to help the vitality of NM. "Vital" comes from the Latin word for "life."

Thanks for keeping us vital/lively.

As you know:

- 1) The Mine says we are perfectly safe. We have scientists to prove it plus we have JOBS!!!
- 2) The history of our county is mining with its "Boom & Bust" cycles. Therefore the allure of JOBS is immense. Everyone knows the "Bust" will come in 14 years but this time they claim "we'll do it right!" When the miners are on unemployment we'll have made some kind of progress that will be substantial..... They'll figure it out and all will be fine this time.
- 3) Water problems: our delicate/delicious NM is always low on water & it looks like we are just entering another period of even less water. When I use the bathroom I mix my human waste with clean potable drinking water & flush down sewage: BLACK WATER! Fortunately this is pumped over the hill & treated & goes down stream for reuse.  
The current technology the Mine plans to use requires MASSIVE amounts of our scarce, delicate, delicious water which they then add their process chemicals to separate the metals from the tailings. So this means the Mine plans to keep all of this poison on the Mine site in the TSF...FOREVER!!! The Mine plans to pour all this toxic water into the TSF & then evaporate out the water. I didn't ask if any volatile chemicals will evaporate out to ruin our air. So the process chemicals presumably are heavier than air so will fall into the TSF (as dust) so be "safe." FOREVER!!
- 4) After 11.5 years the Mine will be exhausted and they will have created a TOXIC WASTE SITE. Don't worry they say. The Cu Rules will be followed & there will be a pristine restoration. Cattle & wild life will be THRIVING!! The TSF will be one square mile in area. It will have earthen dams up to 300 feet high. The plan is to build this right above the GreyBack Arroyo!!!. This is direct drainage to the Rio Grande River.

The Mine feels the remediation will end after 25 years; there will be a perfect ecological pristine environment for cattle & wildlife. What will this perfectly designed & perfectly built area with the mine pit, WRSPs. and TSF be like in 100 years? The Mine claims no maintenance is needed. They are done; the toxic waste is no problem!! As you know we can have intense flooding from our monsoons; we can have intense winds; flash floods whip thru our arroyos; and, we have seismic events. These used to happen rarely & in 100 years they will probably hit this Toxic Storage Site. What about 200 years in the future? All this remediation will be done at the taxes our great-great grand children will be paying.  
continued in next email, m



## Ennis, David, EMNRD

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**From:** Catherine Wanek <cat@blackrangelodge.com>  
**Sent:** Friday, October 26, 2018 5:11 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] RE Copper Flat Mining Permit

From: Catherine Wanek  
The Black Range Lodge  
50 Main Street  
Kingston, NM 88042

October 23, 2018

Attn: Fernando Martinez  
Director, NM Mining and Minerals Division  
Santa Fe, NM  
<[emnrd-mmd.director@state.nm.us](mailto:emnrd-mmd.director@state.nm.us)>

Dear Director Martinez,

Tuesday at the hearing for the Copper Flat New Mining Operation permit in Truth or Consequences, I gave some verbal comments, which were transcribed and recorded. As I rambled a bit, and also because the hearing officer requested comments in writing, I am summarizing them in this email format, and submitting them to you.

I have lived in Sierra County since 1984, and grew up in Las Cruces. Mining is certainly a historical industry in the region, and Kingston, where I reside, is a classic example of the boom and bust economy that it represents. In 1882 silver was discovered nearby and the town was founded. Quickly it grew to hundreds, then thousands - some accounts say to a population of 7,000! When silver prices dropped in 1893, the town dwindled rapidly to perhaps 100 hearty homesteaders. Buildings were dismantled to cart off the lumber and the bricks, and it's rumored that some were even burned down to retrieve the nails. During the silver mining hey-day, Kingston was a wild-west town of twenty-six saloons and one church. Now Kingston is a beautiful and peaceful place to live, on the edge of the Gila National Forest and the Continental Divide. This natural beauty that we appreciate daily draws visitors from all over New Mexico and the world, seeking some of the enchantment we all value. This is truly "New Mexico True!"

While Sierra County commissioners, our county manager, and the electric coop management have been making the case that the Copper Flat mine (TheMAC/NM Copper Corp.) will bring economic salvation to our dirt-poor county, TheMAC's own data states that the copper deposits will last only an estimated 12 years. Very much like Kingston's short hey-day. The new residents and the promised jobs will then disappear, so it is clear from the onset that at most the boom will be short-lived, not the "sustainable" economic boost that our leaders must truly desire.

With all due respect, it's easy for these folks to champion the mine - a few years boom is better than nothing, perhaps, although what will happen when the price of copper falls, or in a dozen years when the mine is played out? That won't be pretty, as the newly out-of-work employees move away, go on unemployment, or worse, adding to economic woes. Plus, these community leaders live 30 or more miles away, in Truth or Consequences and Elephant Butte, upwind and

upstream from the mine site. They will not be adversely affected by the impacts the mine will undoubtedly have to the people living near it, in Animas Creek, Caballo, Kingston and Hillsboro, plus the entire Rio Grande Valley below Caballo Lake. A few points regarding the impacts include:

- The 24/7 operation will produce noise, dust, and light the night sky.
- The heavy trucks will be on the NM state highway 152 at all hours. NM152 is not built for heavy traffic. It doesn't have the substructure required, and the cost of repair will fall to the NM DOT, and NM taxpayers.
- NM152 has no shoulders or bike lanes. This highway is actually a cross-country route for bicyclists called the Southern Tier. Each year, hundreds of cyclists use this route to cross the USA, from San Diego, CA to St. Petersburg, FL. The added heavy truck traffic on this narrow highway will be a hazard to these touring cyclists, as well as local traffic.
- As others have stated, the proposed financial reclamation bond will not be enough to cover the costs of long-term monitoring and maintenance. Twenty-five years is not adequate, as the consequences of the mining, the pit, the tailings, and the remediation will be ongoing into the future. One hundred years of post-mining monitoring is what the NMED has asked for.
- The draft discharge permit as proposed is inadequate to meet the NM Water Quality Act requirements. This NMED permit is also not in place yet.
- Water Consumption. This is the primary issue that will not go away, and cannot be mitigated by more money. The amount of water that the mine will use is staggering -- more than 6,000 acre feet per year, pumping 7,000 gallons per minute twenty-four hours a day, seven days a week. Enough water to serve a city of 70,000. TheMAC does not have enough water rights on its own (a mere 900, and even this amount is currently in litigation) so it has made a deal to lease water rights from the Jicarillo Apache in northern New Mexico. But these Apache water rights are located in a different basin, not the lower Rio Grande basin. Will TheMAC be transporting this water to southern New Mexico to use in the mine? No, they propose to pump this additional 5,200 acre feet per year from the Lower Rio Grande aquifer. This is a closed basin, with no water rights of this magnitude still available.

If allowed, the Canadian and Australian owners of TheMAC will effectively be taking the water from the traditional down-stream users, namely the farmers of the Rio Grande Valley, who have been putting this water to beneficial use for centuries. Farmers that I know in the valley are already hurting from the reduced supply of irrigation water they receive from the Elephant Butte and Caballo Reservoirs, which are at historic lows.

This use would also negatively impact the ongoing litigation between Texas and New Mexico concerning the amount of water "owed" to Texas, as Texas maintains that wells pumping water out of the aquifer reduces the flows in the Rio Grande. This should be a huge concern to NM as a whole.

It is also rumored that to secure these water rights from the Jicarilla Apache that TheMAC promised the Apache nation the first choice of the available jobs. If true, this would further reduce the benefits to our County.

- Twenty-five years ago (when Alta Gold was trying to re-permit this same mine site) a hydrological study showed that the cone of depression from the pumping of underground water would impact the subsurface water of Animas Creek and Caballo, along which many people currently live, farm and ranch. This was one of the determining factors in denying the mining permit at the time. Apparently a newer hydrological study somehow

determined that this underground connection does *not* exist, despite the fact that the proposed mine is very close, and TheMAC graphics even show how the mine and tailings piles as proposed will be located on both sides of Animas Creek.

- Some of our neighbors who attended these public hearings today have a domestic well that is 3 miles from three of the mine's high-volume pumping wells. They are very concerned that their lives and the life and livelihood of the Animas Creek community, and its flora and fauna -- including endangered birds like bald eagles and the threatened coati and the nation's largest Arizona Sycamore trees -- would likely be changed forever by the 12 years of the mine operation. They believe they will have to move, and who would buy their property without a functioning well? Multiply this one family by the dozens who live in Animas Creek, along NM 152, and in Caballo, near the pumping wells of the mine site. Thus, the impacts of this short-term project would be enormous to local residents with existing water rights who receive their water from existing wells.
- Clean water is one of our most precious resources, and in this day and age we are seeing this supply dwindle. Elephant Butte reservoir is said to be at one of its lowest levels ever, down to 3% of its capacity. New Mexico already has a number of large copper mines in the Silver City area serving our nation's needs. Relative to copper, the value of water is greater.

In response to the statistics quoted by community leaders as to the dire state of the local economy, in my view our economy is on the upswing. Tourism, agriculture and health care are the current drivers of Sierra County's economy, and these are all "industries" that offer sustainable growth. The governor's "New Mexico True" campaign during recent years has increased tourism in a big way across the state. Sierra County's gross receipts and lodgers tax have in consequence increased significantly. Having lived and worked here since the mid 1980s, the business I started has grown gradually from a run-down property to a thriving enterprise. And I have observed how Truth or Consequences' downtown has also been repaired and improved during these decades into a vibrant eclectic art community. The wonderful hot springs of Truth or Consequences are a huge draw, often filling all of the existing motels, hotels and spas in this charming community. I know because we see a "trickle up" into our Lodge when TorC is especially busy.

Wages may be low, yet so are rents and housing prices. This has attracted many new businesses in the last few years like Tractor Supply, Holiday Inn, & Walmart, and also young entrepreneurs from out of state, including Truth or Consequences Brewery and the Me Gusta food truck. Two popular bands have recently made TorC their home, setting up recording studios, and a number of health-care professionals have renovated older adobe homes and storefronts into healing arts centers.

These growing amenities and increasing curb appeal have not gone unnoticed. Last year a low-budget feature film "Rose" was shot in TorC, by Sierra County writer/director Rod McCall, who will be inducted into the NM Film Hall of Fame next year. And a couple weeks ago Disney came to town on location. The recent terrific news that Netflix is moving to Albuquerque, bringing literally billions of dollars of production jobs to our state, bodes well for southern NM in the long term, too. This kind of "industry" that is clean, exciting, and promotes our state is what I believe our county leaders should be focusing on attracting here. Not one that divides the community by sacrificing a portion of the county for short-term economic gains.

The Spaceport is gaining traction, too, with a potential for bringing high-tech businesses to the area, and increasing tourism even more. Not just the high-rollers looking for a ride into space -- though we are happy if they wish to spend some of their dollars here -- but ordinary Americans

curious about and inspired by the future of personal space flight. The first such flight is now expected in months, not years, with a resulting media storm of publicity to the region. In short, to me the local prospects for continuing economic growth are bright, and will be enhanced even more as county officials focus on these positive indicators. Thus I believe we can grow our local economy and quality of life at the same time, resulting in overall community satisfaction and happiness that dollars alone cannot produce.

In conclusion, I respectfully request that the NM MMD consider the existing lives and livelihoods of the hundreds of local people and downstream communities who will be negatively impacted if this project gets the go-ahead, and deny this permit.

At least, please delay any decision until all of the permits have been decided upon, specifically the NMED discharge permit, and the determination from the State Engineer as to whether it can possibly allow such a significant amount of water rights from northern New Mexico to be pumped from the lower Rio Grande aquifer. It will not be a favor to TheMAC to allow them to move forward, spending more money, if some of the underlying permits are subsequently denied.

**Ennis, David, EMNRD**

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**From:** Mary Cavett <onlyonemind@yahoo.com>  
**Sent:** Friday, October 26, 2018 5:17 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Deny Copper Flat Permit

Why I protest the development of the Copper Flat Mine

Do the math. 6100 acre feet of water is 1,987,693,714.29 gallons. That is enough to supply a medium sized city water for a whole year. Do you think Texas is going to let you give away 2 billion gallons of water, reducing the flow of the Rio Grande, without another lawsuit? Also think about all the farmers, ranchers and citizens whose wells will go dry and whose livelihoods will be impaired. Those are already established businesses. We shouldn't steal their water.

Think about the roads. The roads are already dangerous because there are no shoulders on the roads. You know people will die trying to pass these slow, heavy ore trucks. And the substructure of the roads cannot sustain these trucks. The tax payers will end up paying for repairs.

Think of the wildlife. Their streams will be reduced, and the pit lake will kill the birds and other animals that are drawn to it. The waste rock piles have no liner. The noise of blasting a hole ten times the size of the current excavation will cause harm to all for miles around them.

They do not fulfill the requirements of the Mining Act. The site will require long term maintenance and monitoring. NMED wants at least a 100 year period. Why are we thinking of letting them get away with only 25?

In short the mine threatens the future of our community and those downstream, the Caballo Reservoir is only 11 miles away.

Please don't sell our future. We don't want to see our environment poisoned nor our water sold.

Sincerely,  
Mary Cavett

## Ennis, David, EMNRD

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**From:** Martin Mijal <martinmijal@yahoo.com>  
**Sent:** Friday, October 26, 2018 5:45 PM  
**To:** EMNRD-MMD.Director  
**Cc:** Max Yeh  
**Subject:** [EXT] page 2 of Cu Flats Mine re-opening

NM is poor & we are planning to subsidize (corporate welfare) Australian billionaires so they can have immense profits & we can have 14 years of "Boom." Somehow big business seems quite adept at avoiding paying to clean up their messes.

4) The Mine's scientists are sure this pollution won't leave the Mine site. No poisons will pollute our precious, pristine, delicate NM water. They present their evidence but it is only their educated guess. They feel the volcanic bedrock is impervious to drainage & haven't found any leaks thru cracks/fissures. As you know, water & pollution love to spread thru any cracks no matter how small. Their analysis shows only a small amount of pollution which they claim is not moving. This analysis is based on their test wells. What if these wells are not in the right place? There is pollution & they haven't found it??

However the new Mine will be IMMENSE compare to the 40 year old mine. The Mine will move 100M tons of material vs. the 1.1M tons moved 40 years ago. The current crude technology is to blow up the rocks in 50 foot layers. This sends shockwaves thru out this volcanic bedrock. This is planned 3 times a week, 52 weeks a year for the 11.5 years of the Mine's life. Lots of concussions & shocks to create & exacerbate more cracks in the andesite.

Risk of ruining our watershed & creating a toxic waste site seem too costly to pay for merely 14 years of jobs. I don't have faith in the Mine's optimism.

A paradox is that our technologies are increasing at a dizzyingly rate. I can imagine there will be new ways to extract this metal with out water, with less waste rock: more precision exhuming & refining with out all this crude: blow it up; crush it up; use MASSIVE amounts of water to separate ores. In outer space there are plans to mine asteroids. They will have non-polluting ways to do this that can then be used on Earth. The Mine owns the metals why not let them be patient till we have better technology?

As you know this is the only Mine on the east side of the Continental Divide. This particular site is very hazardous to our delicate environment.

You have a grave responsibility: 14 years of "prosperity" or the likelihood of pollution & the CERTAINTY of a toxic waste site.

Thanks, again, for taking care of us New Mexicans plus our future generations. You can keep us VITAL- alive- by REJECTING the opening of this ecological disaster.

Martin Mijal  
721 Wyona St T or C, NM 87901  
503-288-3770

**Ennis, David, EMNRD**

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**From:** Gendron <gendron@gilanet.com>  
**Sent:** Friday, October 26, 2018 6:58 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Deny the copper flat new mine operation.

Dear Director of Mining and Minerals Division,

I am writing to express my request for you to deny the Copper Flat new mine operation permit. I have many knowledgeable friends in Kingston and Hillsboro that have informed me of the many reasons that this would be an unfortunate decision that would affect the water table, roads, environment and financial security for surrounding people and towns of Sierra County and beyond.

The most alarming issue is the amount of water needed to pump in order to operate and properly close the mine. We have not had sufficient rainfall in this area for years, with the lakes and the Rio Grande drying up so that farmers in Hatch and other locations having to pump water from deeper and deeper levels, thus lowering the water table beyond the ability to recharge. I have heard NMCC has the water rights for only 900 afy so their pumping to reach 6,100 afy would drain and damage local streams, domestic water supplies, reduce the Rio Grande and impact wildlife needs.

I am troubled that NMCC want 25 year of monitoring instead of NMED's 100 year post mining monitoring and maintenance at the site. Their financial assurance is inadequate to guarantee it's safety. NMED has not determined that the mine as proposed will meet state Water Quality Act requirements. MMD needs to require best management practices to limit dust, light and noise, insure human health and safety of the environment, wildlife and domestic animals as covered in the Mining Act.

I travel regularly on highway 152 and am aware of the narrow and tenuous nature of the road due to land and rockslides and erosion from land following the many forest fires. This road was recently improved to address these issues and I hear that it is not designed to handle the weight of heavy ore trucks, especially on a regular basis. The highway department doesn't have the funds for this constant improvement and it is already dangerous even with the new improvement.

Please for the future of our health and environment deny this permit.

Sincerely,  
Marilyn Gendron  
5 Warm Creek Road  
San Lorenzo, NM 88041

**From:** Debora Nicoll <4ncx123@gmail.com>  
**Sent:** Friday, October 26, 2018 9:34 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] No copper flat mine

Director:

Please do not grant the mining permit for Copper Flat Mine in Sierra County.

I feel that the importance of the Rio Grande watershed to the economy of Sierra County as well as the states of New Mexico and Texas precludes opening the Copper Flat Mine. Water in this area is so important and should not be wasted nor compromised by this endeavor. The only way I can imagine it to be possible is to significantly scale back the proposed operation. There would be less a strain on our precious water supplies as well as less noise, dust and light pollutions. There would also be less strain on our existing infrastructure. It would still provide much needed jobs albeit at a lower level but those jobs would be able to supply a lifetime of work for those employed. The mine might actually become a part of the community, not a stranger coming in to poison and rob us.

A few other things that I think would be necessary to permit copper flat mine:

**1) Make employment contingent upon union membership.** The boom/bust business of mining as well as the inherent danger of the job site means that employees have an especially strong need for representation in the workplace. However, a so called right-to-work ordinance is planned for the county. Given the current economic disincentive to pay for union representation, it is likely that if said ordinance is passed then most workers will not join. If the mine truly cares about the well-being of their employees, then they will require union membership

**2) Job training to include access to drug use counseling/therapy.** I know this sounds radical but so be it. During the hearing Mr Smith stated that the mine would train workers, the primary need was to be able to pass drug tests and come to work. Sierra County has long been one of the most impoverished counties in one of the most impoverished states of the union. The hopelessness of poverty breeds drug use and its subsequent addiction. Worse still, drug addiction is not as easily kicked as the public would like to believe and it requires not only dedication but also frequent and continuing access to counseling and rehabilitation since relapse is a part of the recovery process.

**3) Financial Assurance for businesses and individuals down stream who are likely to be aversely affected by the mine.** The water table will go down with the amount of ground water the mine will be pumping. In this arid environment, we and the local fauna all rely on ground water. The mine needs to include not only a financial assurance for post mining clean-up but also for drilling deeper wells for those who lose access to groundwater. This should include drilling wells where springs and seeps go dry during mining operations as the local wild life also rely on groundwater. This financial assurance should also cover costs in the event of contamination of water.

**4) Water quality measurements and treatments.** Any wells in the downstream area from the mine need to be tested on a regular basis for any possible chemical contaminants. If any contaminants appear, the mine needs to install purification systems while they work on cleaning up the problem at its source.

**5) Dark skies lighting.** New Mexico prides itself on its dark skies and starry views. Lighting at the mine should minimize it's light pollution. A good starting place might be the Flagstaff Dark Skies Coalition  
<http://www.flagstaffdarkskies.org/commercial-roadway-lighting-tips/>.



**6) Financial Assurance for county and state roads.** Mr Smith stated that the mine would be running 100 ton trucks on the roads for 22 hrs a day, 7 days a week. The exact roads taken should be identified in the permit and a financial assurance posted for maintaining those roads. The state has recently done a lot of work on highways 152, 27, 26 and 181. It's been my observation that hwy 27, at least, is not capable of handling heavy truck traffic. The trucks used to haul materials for road work alone caused significant damage during this work. The state and county should not have to foot the bill for mine trucks. If the routes the trucks take is defined, it will be easy for the state to determine the excess cost of maintenance due to mine traffic.

**7) Irrigation of seeded areas during reclamation.** If not already included in the reclamation plan, it is essential to adequately irrigate seeded areas. Monsoon rains are too variable and localized to ensure that germination and establishment of seeded plants occurs

**8) Identify specifically which seed will be used for reclamation.** In the EIS it is stated that "The seed mixtures and any plants used for any purpose, including reclamation, would be determined by seed availability, compatibility with the vegetation of the surrounding areas, soil and climatic conditions of the area, and by recommendations from the BLM and NMEMNRD." The phrase 'seed availability' is troublesome. The exact mixture should be determined and requested from suppliers with ample time for it to be produced.

**9) Demand higher financial assurance for reclamation and insurance.** The financial assurance calculations seem to be based on best case scenario and thus overly optimistic. Should recalculate on worst case scenario to get a more appropriate dollar amount for reclamation. Mine owners have a history of going bankrupt, selling off and generally being unresponsive to environmental issues they create. It is the government's duty to protect the public from the mine.

**10) Fund studies with NMSU Plant and Environmental Sciences Department.** Soil is a complex, stratified ecosystem containing inorganic materials and assorted micro- and macro- organisms. By funding studies with the university, it would be possible to inventory the current soils. The aged 'growth medium' would then be assayed and necessary additions determined to facilitate plant growth. This will be necessary because the 'growth medium' that the mine intends to use will consist of a mixture of native top soil and an unknown amount of deeper soil levels that will have been moved to a pile and left for decades. I think it is fairly certain to say that by the time that growth medium is ready to be used for reclamation the living organisms will have died and the inorganics will have leached out and the resulting mixture will be decidedly suboptimal for plant growth.

**11) Test for soil pathogens.** The soil should also be tested for pathogens such as Coccidioidomycosis, the fungus responsible for valley fever, and other pathogens that might harm humans and wildlife downwind of any dust pollution. In my experience, disturbing the local soils can result in illnesses that might prove very problematic for the vulnerable.

**12) Keep regular meetings with local residents to address mine-related issues in a timely manner.** There should be a near continuous communication channel with locals to address issues as they arise rather than waiting until they cannot be resolved. Being a good neighbor is of utmost importance.

Thank you  
Deb Nicoll  
105 Cajal Trail Rd  
Hillsboro NM 88042

## Ennis, David, EMNRD

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**From:** Bill Bussmann <bussmann@zianet.com>  
**Sent:** Friday, October 26, 2018 10:47 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Permit comments

To: New Mexico Mining and Minerals Division  
From: William Bussmann 42 La Luz Rd. Caballo NM 87931

I am writing to you regarding the new mine operation permit for the Copper Flat Mine in 8 miles west of my farm. The production wellfield well PW3 is just 3000 feet south of my Animas Creek bottomland, and I am certain that pumping the Palomas Graben water beneath our aquifer will have a long term negative effect on this unique riparian ecosystem.

I am very concerned that the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine operation permit are inadequate to protect surrounding communities, and public health, and to create a self-sustaining ecosystem when the mine closes.

I have been following the Copper Flat plans since 1976 and while folks have had the best of intentions to get this off the ground for decades, Themac's financial profile on the Toronto stock exchange shows it is a gold mine of red flags, not unlike Quintana Minerals, the 90 day wonder of 1982.

The permit should be denied at this time for the following reasons:

- NM Copper Corporation does not have sufficient water rights to operate and properly close the mine.
- If the mine were to obtain the water rights for use of 6,100 acre-feet per year of water to operate and close the mine, the draw down will seriously drain and damage local streams important for wildlife, residential water supplies in the Hillsboro and Arrey area, and farming water supplies.
- The Closure/Closeout Plan will not lead to a self-sustaining ecosystem as required by the Mining Act.
- Best Management Practices are not proposed to limit dust, light, and noise and to protect human health and safety, the environment, wildlife, and domestic animals as mandated under the Mining Act.
- The proposed financial assurance is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.

Thank you for your consideration of my comments.

Bill Bussmann

## Ennis, David, EMNRD

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**From:** Jeffrey Smith <jsmith@themacresourcesgroup.com>  
**Sent:** Friday, October 26, 2018 11:34 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] FW: Copper Flat Mine hearing

[Resending email from Alan Kuhn.](#)

**From:** Alan Kuhn [mailto:akkuhn41@gmail.com]  
**Sent:** Thursday, July 26, 2018 6:09 PM  
**To:** Ken.McQueen@state.nm.us; Matthias.Sayer@state.nm.us; Fernando.Martinez@state.nm.us; Keith.Gardner@state.nm.us  
**Cc:** Jeffrey Smith; Peacock, Deborah; Juan Velasquez; John Bokich  
**Subject:** Copper Flat Mine hearing

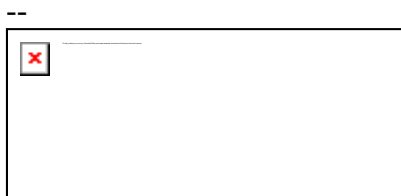
In 1993 I had the privilege to serve as one of the two industry members on the Technical Advisory Committee, appointed by the Secretary of NM Energy, Minerals and Natural Resources Department, to craft the rules to implement the New Mexico Mining Act. For this experience, I can say that the Act and the rules were never intended to be used to delay or prevent the approval of new mines, but in fact the opponents of mining have used provisions in the rules to keep any new, regular mine from being permitted since the Act was passed. Our neighboring western states have been able to protect the environment while also permitting responsible mining; New Mexico's Mining Act does this as well if applied as intended.

The Copper Flat Reclamation Permit Application has been reviewed and found to be approvable on its technical merits. Knowing this, the opponents have used, again, a familiar tactic to avoid or delay the final, critical step in permitting – the public hearing. They have had ample time to prepare, so no delays are justified.

Having been through this process myself, I know how frustrating and costly these delay tactics are and how damaging they are to the economic development and prosperity of New Mexico. I encourage you to support the completion of the permitting action outlined in the Mining Act and allow the public hearing for the Copper Flat project to proceed as scheduled on August 21-22, 2018.

Thank you for your consideration.

Alan Kuhn, PhD, PE, RG



## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 6:16 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine hearing

**From:** Alan Kuhn <akkuhn41@gmail.com>  
**Sent:** Thursday, July 26, 2018 6:09 PM  
**To:** McQueen, Ken, EMNRD <Ken.McQueen@state.nm.us>; Matthias.Sayer@state.nm.us; Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>; Gardner, Keith, GOV <Keith.Gardner@state.nm.us>  
**Cc:** Smith, Jeffrey <jsmith@themacresourcesgroup.com>; Peacock, Deborah <dpeacock@peacocklaw.com>; Juan Velasquez <jvelasquez@vemsinc.com>; John Bokich <jbokich@gmail.com>  
**Subject:** Copper Flat Mine hearing

In 1993 I had the privilege to serve as one of the two industry members on the Technical Advisory Committee, appointed by the Secretary of NM Energy, Minerals and Natural Resources Department, to craft the rules to implement the New Mexico Mining Act. For this experience, I can say that the Act and the rules were never intended to be used to delay or prevent the approval of new mines, but in fact the opponents of mining have used provisions in the rules to keep any new, regular mine from being permitted since the Act was passed. Our neighboring western states have been able to protect the environment while also permitting responsible mining; New Mexico's Mining Act does this as well if applied as intended.

The Copper Flat Reclamation Permit Application has been reviewed and found to be approvable on its technical merits. Knowing this, the opponents have used, again, a familiar tactic to avoid or delay the final, critical step in permitting – the public hearing. They have had ample time to prepare, so no delays are justified.

Having been through this process myself, I know how frustrating and costly these delay tactics are and how damaging they are to the economic development and prosperity of New Mexico. I encourage you to support the completion of the permitting action outlined in the Mining Act and allow the public hearing for the Copper Flat project to proceed as scheduled on August 21-22, 2018.

Thank you for your consideration.

Alan Kuhn, PhD, PE, RG

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## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Thursday, July 26, 2018 6:57 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: [EXTERNAL] FW: [URGENT] Copper Flat MMD Permit Public Hearing - August 21 & 22 (Corrected Email addresses)

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**From:** McQueen, Ken, EMNRD  
**Sent:** Thursday, July 26, 2018 5:36 PM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: [EXTERNAL] FW: [URGENT] Copper Flat MMD Permit Public Hearing - August 21 & 22 (Corrected Email addresses)

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**From:** Mike Potia <[mike.potia.mdjh@statefarm.com](mailto:mike.potia.mdjh@statefarm.com)>  
**Sent:** Wednesday, July 25, 2018 6:38 PM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** FW: [EXTERNAL] FW: [URGENT] Copper Flat MMD Permit Public Hearing - August 21 & 22 (Corrected Email addresses)

Hello [Ken](#),

My name is [Mike Potia](#). I am a resident of Sierra County and am [emailing](#) to voice my support for the Copper Flat Mine. I understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. I urge you to maintain this date and not delay any further. I support the Copper Flat Mine and hope the state will move the application forward without delay.

Thank you.

## Mike Potia

220 N Date St  
T or C, NM 87901  
Bus 575-894-2528 Fax 575-894-7696  
[Mike.Potia.mdjh@statefarm.com](mailto:Mike.Potia.mdjh@statefarm.com)  
[MikePotia.com](http://MikePotia.com)



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## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Friday, July 27, 2018 1:58 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Project Reclamation Permit

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**From:** McQueen, Ken, EMNRD  
**Sent:** Wednesday, July 25, 2018 10:51 AM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flat Project Reclamation Permit

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**From:** John Bokich <[jbokich@gmail.com](mailto:jbokich@gmail.com)>  
**Sent:** Wednesday, July 25, 2018 10:44 AM  
**To:** McQueen, Ken, EMNRD <[Ken.McQueen@state.nm.us](mailto:Ken.McQueen@state.nm.us)>  
**Subject:** Copper Flat Project Reclamation Permit

Dear Secretary McQueen,

I have been following the Copper Flat Mine Project for several years now and am encouraged that the Mining and Minerals Division has completed their exhaustive and comprehensive review of the Permit Application and now deem it complete and approvable under the Regulations.

I was involved in the development of the New Mexico Reclamation Act in the late 1980's and early 1990's, and am dismayed that **not a single** New Mine Reclamation Permit has been issued since the passing of the Act and development of the Reclamation Regulations.

Sierra County is a failing entity. Our economy is highlighted by support for citizens by Welfare and Disability checks issue by government, or in illegal activities such as drugs and other forms of crime.

Our young people, when completing High School, leave to attend college elsewhere, and most all leave in any event to find work, as there is precious little here for anyone with a family, ambition or goals to have a livable wage.

The Copper Flat Project is overdue and New Mexico Copper Corporation has persistently followed the requirements of all regulatory requirements, while spending more than \$50 million, and now deserves that the permits move forward and be approved.



Please do not delay the Hearing, and please make the right decision for Sierra County and New Mexico, and approve the Copper Flat Mine Project Reclamation Plan.

Regards,

A handwritten signature in blue ink, appearing to be 'JB' or 'JL' with a stylized flourish.

John Bokich  
PO Box 1474  
Elephant Butte, New Mexico 87935  
Cell: 575-740-2840  
[jbokich@gmail.com](mailto:jbokich@gmail.com)

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Monday, July 30, 2018 9:18 AM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flats mine

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**From:** Sayer, Matthias, EMNRD  
**Sent:** Monday, July 30, 2018 8:48 AM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flats mine

Matthias Sayer  
Deputy Cabinet Secretary  
New Mexico Energy Minerals & Natural Resource Department  
Office: 505.476.3200  
Fax: 505.476.3220



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**From:** kuzdrowski <[tedletha105@gmail.com](mailto:tedletha105@gmail.com)>  
**Sent:** Tuesday, July 24, 2018 12:58 PM  
**To:** Sayer, Matthias, EMNRD <[MatthiasL.Sayer@state.nm.us](mailto:MatthiasL.Sayer@state.nm.us)>  
**Subject:** Copper Flats mine

Dear Matthias Sayer,

We are residents of Sierra County and am emailing to voice my support for the Copper Flat Mine. I understand the state is considering a New Mine Permit for the Copper Flat Mine and has scheduled a public hearing in August. I urge you to maintain this date and not delay any further. I support the Copper Flat Mine and hope the state will move the application forward without delay.

Thank you

Ted ,Letha, and Tim Kuzdrowski

## Ennis, David, EMNRD

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**From:** Martinez, Fernando, EMNRD  
**Sent:** Monday, July 30, 2018 1:07 PM  
**To:** Shepherd, Holland, EMNRD; Ennis, David, EMNRD  
**Subject:** FW: Copper Flat Mine Reclamation Permit Hearing

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**From:** Sayer, Matthias, EMNRD  
**Sent:** Monday, July 30, 2018 8:38 AM  
**To:** Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>  
**Subject:** FW: Copper Flat Mine Reclamation Permit Hearing

Matthias Sayer  
Deputy Cabinet Secretary  
New Mexico Energy Minerals & Natural Resource Department  
Office: 505.476.3200  
Fax: 505.476.3220



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**From:** John Bokich <[jbokich@gmail.com](mailto:jbokich@gmail.com)>  
**Sent:** Thursday, July 26, 2018 11:46 AM  
**To:** Sayer, Matthias, EMNRD <[MatthiasL.Sayer@state.nm.us](mailto:MatthiasL.Sayer@state.nm.us)>  
**Subject:** Copper Flat Mine Reclamation Permit Hearing

Dear Deputy Cabinet Secretary Sayer,

I am a long time Sierra County resident, and I have been following the Copper Flat Mine Project for several years now and am encouraged that the Mining and Minerals Division has completed their exhaustive and comprehensive review of the Permit Application and now deem it complete and approvable under the Regulations.

I was involved in the development of the New Mexico Reclamation Act in the late 1980's and early 1990's, and am dismayed that **not a single** New Mine Reclamation Permit has been issued since the passing of the Act and development of the Reclamation Regulations.

Sierra County is a failing entity. Our economy is highlighted by support for citizens by Welfare and Disability checks issue by government, or in illegal activities such as drugs and other forms of crime.

Our young people, when completing High School, leave to attend college elsewhere, and most all leave in any event to find work, as there is precious little here for anyone with a family, ambition or goals to have a livable wage.

The Copper Flat Project is overdue and New Mexico Copper Corporation has persistently followed the requirements of all regulatory requirements, while spending more than \$50 million, and now deserves that the permits move forward and be approved.

Please do not delay the Hearing, and please make the right decision for Sierra County and New Mexico, and approve the Copper Flat Mine Project Reclamation Plan.

We NEED this Project!

Regards,



John Bokich  
PO Box 1474  
Elephant Butte, New Mexico 87935  
Cell: 575-740-2840  
[jbokich@gmail.com](mailto:jbokich@gmail.com)

**Ennis, David, EMNRD**

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**From:** Nolan Winkler <nolanwinkler@windstream.net>  
**Sent:** Tuesday, October 23, 2018 9:05 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] In the matter of S 1027 Copper Flat Mine, New Mining Operation

In case I don't make it to the meeting tomorrow, I am submitting my concerns.

See attached.

Thank you,

Nolan Winkler

P.O.Box 221

10822 Hwy. 152

Hillsboro, NM 88042

## On the Hearing before the Director, I In the Matter of S 1027 Copper Flat M

I am Nolan Winkler and am a 25 year resident of  
are both artists. Currently I am the Vice Presiden  
Water Consumer's Association.

I think that granting a permit to operate the mine  
have not secured enough water rights to run the  
a year; the discharge permit has not yet been gra  
gives them a chance at more financial backing or  
country, China being the one in question. It is als  
which is, in effect, private property which is not a

I am also concerned about the multiple year drou  
if granted the amount of water necessary to run t  
village of Animas Creek and others will be left wi  
less agricultural purposes which many in Animas

I believe granting a permit for this mine at this ti

## Ennis, David, EMNRD

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**From:** Mike Potia <mike.potia.mdjh@statefarm.com>  
**Sent:** Thursday, October 25, 2018 10:17 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] FULL SUPPORT OF THE MINE

I would just like to take a moment to throw the full support of Mike Potia State Farm Insurance toward having the Copper Flat mine OPENED in Sierra County.

If we cannot get some kind of industry here I fear the whole town will dry up. Just like what is happening to our lake.

## Mike Potia

220 N Date St  
T or C, NM 87901  
Bus 575-894-2528 Fax 575-894-7696  
Mike.Potia.mdjh@statefarm.com  
[MikePotia.com](http://MikePotia.com)



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## Ennis, David, EMNRD

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**From:** Rebecca Green <rgreen@torcschools.net>  
**Sent:** Thursday, October 25, 2018 11:13 AM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flats Mine

To Whom it May Concern:

I am a life-long Sierra County resident. My family currently owns a farm in Arrey in its 4<sup>th</sup> generation of ownership. I am also an Alumni of Hot Springs High school. We are currently raising our own children in Sierra County. My husband works for his father, who is running a small family grown business in its 3<sup>rd</sup> generation of managing and running it. So in short, you could say my roots run deep in Sierra county. This community is in desperate need of responsible growth and jobs. We have dropped in overall population for many consecutive years impacting county revenue, education resources and support, and business growth and sustainability.

This is my 16<sup>th</sup> year of being an educator in Sierra county. Almost half of my life I have served the families and children in our community. Take a drive through our town and it doesn't take much to recognize that after graduation there aren't many opportunities for students on a career pathway in our community, except in fast food industry. Another option in our community would impact our students by directly increasing average income and stimulate our local economy. Our schools recently dropped from designation of 4A to 3A, we are considered 100% Free or Reduced lunch school, and our numbers continue dropping this directly affects school funding.

I completely support and advocate for Copper Flats Mine in our community. It is tax dollars, jobs, economic stimulus, and sustainable growth which all ultimately bring stability. There was a mine previously there and generations of my family spoke of it. It would also attract other families from out of the county to move here. Our district is currently considered a hard to hire area, which means people don't want to move here. If this business opens it would bring families and a reason for people to live here.

CFM brings an opportunity for students graduating to build a career and live off a competitive wage. Increase in wages and people brings more families to Sierra county and more students to schools, more tax dollars for community, stimulates the real estate market, and directly affects other local small businesses. I honestly don't know why people who are not locals are allowed to express their concerns, it doesn't impact them. I am a local, home-grown, educator, wife, mother, and tax payer who completely supports the CFM initiative. I am afraid of what will continue to happen to Sierra County if we keep blocking responsible growth. Thank you for your time and attention.

*Ava Rebecca Bartoo*

8<sup>th</sup> Grade Science TCMS

Secretary Teacher Advisor 2018-19

NM Teacher Leader Liaison Southwest Region





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## Ennis, David, EMNRD

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**From:** Isabel Young-Garcia <lyoung@torcschools.net>  
**Sent:** Thursday, October 25, 2018 12:00 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] public comment on copper flat mines

Hi,

My name is Isabel Young-Garcia. I am a lifelong resident of Sierra County. I have taught in the Truth or Consequences school system for 18 years here in Sierra County. I have witnessed the highs and lows of living in a small community. I have two of my own kids that benefit from the Sierra County School system. I have seen many of my students that graduate have to leave the area because of the lack of good paying jobs in the area. I want different for all my "kids" and their future. The money provided in the form of taxes by Copper Flat Mine will better our schools in many ways. The money will help with infrastructure improvements in Sierra County. The positive effects of opening this mine are far reaching and the magnitude of what this means to Sierra County residents is not measurable. Sierra County finally is being offered an avenue of prosperity and Copper Flat Mine has gone above and beyond to address environmental questions or issues. The majority of the population of Sierra County lives at poverty level as evidence of kids I see from day to day. This would allow all residents to apply for better paying jobs, which also allows for ancillary services and new business to be developed to address the mine needs and related industry and non-related industry. Copper Flat Mine will be an added value to the area and the state with a tax base filtered into the County and the State! My vote is for the Mine, for infrastructure, roads, schools, and my kids future!!

**ISABEL (BELLE) YOUNG-GARCIA**

**TRUTH OR CONSEQUENCES MIDDLE SCHOOL**

**COMPUTERS/ YEARBOOK/RENAISSANCE/TCMS CHEER COACH**

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*Fax: (575) 894-6284*

*E-mail: [jgarcia@bankofsw.com](mailto:jgarcia@bankofsw.com)*

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## Ennis, David, EMNRD

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**From:** sterry@silvercity.org  
**Sent:** Thursday, October 25, 2018 1:43 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mining Operation Permit

Director of Mining and Minerals Division,

I was glad to read that you had extended the deadline for public comment regarding the Copper Flat Mining Operation Permit.

I am very much in favor of your organization approving the permit for Copper Flat. From the studies and articles I have read, I believe the Copper Flat Mine will be a great project for Sierra County and the State of New Mexico. We live in a state that needs investment in business and we need the opportunities of new jobs... and good paying jobs with benefits. So from an economic standpoint, I hope you will give a greenlight to the Copper Flat Mine.

Amazingly, there are studies that show this mine will not be a detriment to the local environment and then there are articles from environmentalists that state it will be a disaster. I'm not a geologist. I'm not a hydrologist. However I give more credence to the studies and articles that state the Copper Flat operation will not have a detrimental impact on the environment.

I have read some environmentalist papers state that the Copper Flat operation will not be run using the environmentalist's "Best Management Practices"... however the items I have read seem to suggest that Copper Flat will definitely utilize "Best Industry (mining) Practices". Using Best Industry (mining) Practices and Standards is exactly how Copper Flat Mine needs to management it's operation.

Thus, I support and recommend that the Mining and Minerals Division approves the permit of Copper Flat Mining.

Respectfully,  
Scott C. Terry  
President – CEO



Silver City Grant County Chamber of Commerce  
and Grant County Conference Center  
3031 Hwy. 180 East Silver City, NM 88061  
Post Office Box 1028, Silver City, NM 88062  
Office: 575-538-3785 800-548-9378  
Cell: 318-548-8811  
Website: [www.silvercity.org](http://www.silvercity.org)

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**Ennis, David, EMNRD**

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**From:** CEG <ceg@plazarealtynm.com>  
**Sent:** Thursday, October 25, 2018 2:46 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Copper Flat Mine Application

To whom It May Concern:

Please accept this letter as my support for your approving the application for the Copper Flat Mine Operation in Sierra County.

I am sure you will receive a great deal of comments in a technical nature. It is my opinion that with the BLM required EIS, all "science" issues have been addressed sufficiently and completely.

With the above in mind, I would submit to you that with Sierra County arguably being the poorest county in New Mexico, it stands to reason that the approval of the mining operation will be an economic boon to our area. It will set jobs that will allow the local "folks" to enjoy an economy they have not been a part of in quite some time.

In a "nutshell": approving the application will bring jobs, that will benefit all of the residents of Sierra County, including those that have spoken against the approval of the application.

Thank you for allowing my voice to be heard.

Regards,

**C. EARL GREER**  
**PLAZA REALTY**  
**P.O.BOX 985 ELEPHANT BUTTE NM 87935**  
**575.744.5140 FAX 575.744.5121 CELL 505.350.1155**  
[www.plazarealtynm.com](http://www.plazarealtynm.com)  
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## Ennis, David, EMNRD

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**From:** Michelle Romero <Michelle.Romero@FirstSavingsBanks.com>  
**Sent:** Friday, October 26, 2018 2:08 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Support for Copper Flat Mine

Good Afternoon—

I personally tried to make several of the meetings and wasn't able to attend but I fully 100% support the Mine and feel it is very much needed and look forward to seeing this open. It would be a great asset to Sierra County.

Thanks,  
*Michelle Romero*  
*Branch President*  
*First Savings Bank*  
*915 N. Date Street*  
*Truth or Consequences, NM 87901*  
*575-894-7148*  
*575-894-9020 (Fax)*  
*NMLSR ID #663008 and Bank NMLSR #501160*



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**Ennis, David, EMNRD**

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**From:** robert.sanchezlangston <robert.sanchezlangston@gmail.com>  
**Sent:** Thursday, July 26, 2018 9:18 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Disabled Combat turned Social Worker with Comment on Mine Meeting  
**Attachments:** short form resume (torc).doc; chadowcorps examples.jpeg; chsrea work examles on letterhead.jpeg

July 26th, 2018                      VIA Email

Mr. Fernando Martinez  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Dept 1220 South St. Francis Drive Santa Fe, NM    87505

Dear Director Martinez:

I am a disabled combat veteran originally from Ruidoso. I am also a masters level community social worker (one of only two in our state). See mini resume for more details.

I just moved to T or C and need more time to study this matter before I can communicate my support or opposition to said business venture (aka: Copper Flat Mine).

I am not sure if it is the Deamon-crats or the Republi-cant's who are pushing up the meeting but bottom line there is not enough time to look into this matter.

I was told this meeting was pushed up (not sure when it was originally scheduled) which sound like some sort of political tactic to catch the other side off guard.

I say leave the meeting the same date (what ever date that originally was) and let folks get prepared. As a public steward, who apparently is interested in knowing what We the People think it would serve us all well to leave the date as it was.

Allow a vigorous and well-informed debate to take place.

If someone tells you a few more weeks or months is critical to making a decision can not be spared--they just lied to your face and are not very good at managing their time.

I would suggest that as both a public servant and a steward of the public's trust, information, safety and finances to name a few you allow adequate preparation and do not move this meeting up.

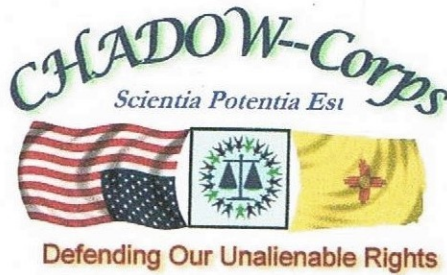
Respectfully,

/s/

Robert Sanchez Langston, MSW, BSW  
SFC, US Army (Ret)  
518 Kopra Str, T or C, NM 87910  
575-517-0626  
Last 4: 0000  
Blood Type: O Positive

Shoe Size: 10 Regular

this along with the information I have attached should be enough to prove who I am and register my correspondence IAW law and regulation.



Please refer to me through this organization for assistance with thing like:

- Advocacy (case or cause)
- Allegations of police brutality
- Out of control CYFD investigations
- Government misconduct or abuse
- Freedom of Information Act and NM Public Records Act request
- Assisting Military Trial Defense Team as needed
- Problems getting basic needs met (e.g., medical/behavioral health, food, clothing and shelter)
- Employment and Job Issues
- Other investigative/information gathering activities

basically anyone who may feel they are being bullied!

#### Examples of Work

- Assisted disabled Vietnam Vet with service dog who was treated poorly by El Paso VA Police. They don't treat him that way anymore.
- Same Vet was assaulted at Albertsons by store staff—police would not investigate—I did it for him helped file a criminal complaint—Now those responsible have a court date.
- Assisted another combat veteran who's medications were being withheld by the El Paso VA. Advocated on his behalf—he left the VA that day with his medications.
- Assisted other veterans with obtaining their benefits and medical care within the community via CHOICE program (too many to list)
- Currently organizing Veterans to form a group to monitor the local Veterans Administration (local vets need a voice and this organization will serve as a mediating influence between Vets and the VA).
- Investigated the VA in Albuquerque and El Paso when Veterans died as a result of their policies. Also investigated them in relation to their homeless program and provided results to local senators in NC and NM.
- Assisted an individual who was repeatedly investigated by child services. With no charges substantiated.
- Lots, and lots and lots of other stuff

Citizens, Helping to Advocate, Document Objectively & bear Witness  
to alleged government mismanagement & misconduct.





## Community Health and Human Service Solutions

Please refer to this organization for assistance with thing like:

- Program Development and Evaluation
- Strategic Planning
- Grant Writing
- Non-Profit Board and Staff Development
- Business Planning and Marketing
- Human Resource Development and Operations
- Information Management System

Basically anyone (individual, groups, churches and government) who is trying to do something good in the community.

---

### Examples of Work

- Conducted research, program development activities and grant writing in support of a million dollar grant for a NC Veteran Nonprofit Agency
- Did the same for a local Alamogordo Nonprofit (CAPPED).
- Conducted an organization assessment for another local nonprofit who wanted to provide services to women being released from jail and their children (if applicable).
- Provided Leadership Training to the local Otero County United Way
- Conduct staff training on various topics
- Conducted a community assessment and found out that the Goodwill was taking money from this county and giving it to El Paso (ran their butts out town)

This is more for the other organization—but I also investigate local government (e.g, our county commissioners—this started when I caught them and the NM Cattlemen's Association lying about the water issue at Auga Chiquita). I also been at them because they have no idea how many Veterans they have locked up in their jails.

---

### *"Finding Solutions & Producing Results"*

## BIOGRAPHICAL STATEMENT—SHORT FORM RESUME

### Summary of Qualifications

Skilled and capable in the areas of: business & program administration, development and evaluation; grant writing, operational, strategic and social planning; business planning and marketing; human resources, staff development; risk management, general project management and both criminal, civil and workers compensation investigations.

### Personal Biography

Born in Ruidoso, New Mexico and later joining the military, it was my assignment with the mighty 82<sup>nd</sup> Airborne Division that brought me to North Carolina. After serving proudly and honorably in the first Gulf War, I took an early retirement to finish my education (both undergraduate and graduate degrees) and eventually returned to NM. In addition to having advanced degrees in macro social work (more like public administration) I was also working on a second master's in business administration. In sum, my vast work experience and diverse education has afforded me the opportunity to work effectively with others to produce positive results for both individuals and communities.

### Education

- 2003—Masters of Social Work (Administration & Community Practice) University of South Carolina, GPA : 4.0
- 2001—Bachelors of Social Work (Direct Practice) University of North Carolina at Pembroke, (*Summa Cum Laude*). GPA: 3.78
- 1997—Associate of Arts (General Studies), University of Alaska, GPA: 3.5
- Non Degree: Government @ Campbell University—Master in Business Administration @ Winston Salem State University

### Experience

- Principle and Senior Consultant, Community Health and Human Service Solutions, La Joya, NM
- Owner & Managing Member, Wild Cactus Construction, LLC., Highrolls NM
- Principle & Owner/Operator, Tier—One Legal NC, LLC., Tobaccoville, NC
- Deputy Director, Exchange SCAN (Stop Child Abuse Now), Winston Salem NC
- Principle and Senior Consultant, Community Health and Human Service Solutions, Tobaccoville, NC
- Planning, Organizational Development and Personnel Director, Forsyth County Department of Social Services, Winston Salem, NC
- Assistant Administrator for Program Evaluation/Administration, SC AmeriCorps Defense Brigade, Columbia, SC
- Consultant for Community Assessment and Program Development, Rural Community Emphasis, Columbia, SC
- Family Support Specialist, Community Home Care & Hospice, Fayetteville, NC
- Real Estate Officer, City of Fayetteville, NC
- Military Professional and Combat Veteran, 82<sup>nd</sup> Airborne Division, US Army

### Current & Previous Volunteer Activities

- Consultant, Ranger's Legacy Equine Rescue, Belen, NM
- Firefighter & Emergency Rescue (Secretary/Treasure) High Rolls Volunteer Fire Department, High Rolls NM
- Community Organizing (Veterans Issues), New Mexico and North Carolina
- Community Member Wake Forest University Institutional Review Board, Winston Salem, NC
- Rape Crisis Volunteers of Cumberland County, NC
- City of Fayetteville Volunteer Program ("Meals on Wheels" & "ARC" of Cumberland County)
- Fort Bragg, NC, Soldier Volunteer Initiative ("Partners in Education" with the Cumberland County School System)

**Ennis, David, EMNRD**

---

**From:** Kim Skinner <kimskinner01@windstream.net>  
**Sent:** Tuesday, July 24, 2018 11:28 AM  
**To:** EMNRD-MMD.Director  
**Subject:** Request for extension of Public Hearing for Copper Flat Mine  
**Attachments:** IMG\_1680.png; ATT00001.txt

Director,

I respectfully ask for an extension on the August 21 and 22nd date of the Public Hearing for the Copper Flat Mine. This extension will allow the citizens in Sierra County more time to research/fact check the data contained on your MMD website and to make arrangements to appear and make public comment at your hearing. I have been told that more data will be added to the MMD website one week before the hearing. One week does not allow Sierra County Citizens the appropriate time needed to read and reach the data. Several Sierra County Citizens would like to make public comment but unfortunately will be out of the State and unable to attend during the August meeting.

Please consider extending the hearing at an additional month to allow Sierra County Citizens time to complete their research/fact checking and to reschedule their medical procedures and travel plans to accommodate your Public Hearing.

Respectfully Submitted,

Kim Skinner  
President  
Geronimo Trail National Scenic Byway

Done Scanned from a Sierra County Ad...



State of New Mexico  
Energy, Minerals and Natural Resources Department

Susana Martinez  
Governor

Ken McQueen  
Cabinet Secretary

Matthias Sayer  
Deputy Cabinet Secretary

Fernando Martinez, Director  
Mining and Minerals Division



July 18, 2018

**RE: Notice of Public Hearing for Copper Flat Mine, Sierra County, New Mexico**

The Mining and Minerals Division ("MMD") will hold a public hearing on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The purpose of the hearing is to give the public an opportunity to learn about, and comment on, the requested New Mining Operation permit for the Copper Flat Mine. Representatives of both the MMD and New Mexico Copper Corporation ("NMCC") will be in attendance. The public notice for the public hearing is enclosed with this letter.

The public hearing is scheduled for **August 21 and 22, 2018 from 9:00 am to 7:00 pm on both days.**

The location of the public hearing will be at the **Truth or Consequences Civic Center/Ralph Edwards Auditorium, 400 West Fourth, Truth or Consequences, New Mexico, 87901.**

Comments regarding NMCC's request for a New Mining Operation permit for the Copper Flat Mine may be submitted to the Director of MMD at the following address:

Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Or by email at: [EMNRD-MMD.Director@state.nm.us](mailto:EMNRD-MMD.Director@state.nm.us)

Written comments must be received prior to the close of the hearing record set during the public hearing. Written comments may be submitted outside of the hearing process, or at the hearing.

The Permit Application Package and Draft Environmental Evaluation are available for review at the MMD Office in Santa Fe, NM, and may also be viewed on the MMD website at: <http://www.emnrd.state.nm.us/mmd/MARP/PermitSJ027RN.html>

Enclosure: Public Notice for Public Hearing on Copper Flat Mine



**Ennis, David, EMNRD**

---

**From:** Robin Tuttle <robltut@yahoo.com>  
**Sent:** Thursday, August 9, 2018 5:28 PM  
**To:** EMNRD-MMD.Director  
**Subject:** With thanks and a request  
**Attachments:** Director Martinez.docx

Director Martinez,

First, my sincere appreciation for rescheduling the New Mexico Copper Corporation permit application hearings for the proposed Copper Flat mine from August 21-22, 2018 to October 23-24, 2018, with a possible additional two days of hearings. I am writing on behalf of the residents of Lake Valley, Hillsboro, Kingston, Animas Creek and Caballo most directly affected by the mine, with our thanks and with a request.

MMD has moved the hearings from the Truth or Consequences Civic Center to the Truth or Consequences Albert J. Lyons Events Center. I requested in comments e-mailed July 24 (attached and highlighted) that you consider holding one day of the hearings in Hillsboro.

I am making this request again, specifically with respect to the first day of the hearings on Tuesday, October 23, 2018. I believe this may be appropriate given the text of NMAC 19.10.9. 904 C, which notes that:

*"The nearest community to the mining or exploration operation with adequate and accessible public facilities will be the site for any public hearing."*

Hillsboro is approximately five miles from the proposed mining site and can be reached from Truth or Consequences by taking Exit 63 from I-25 onto Highway 152. This is about a 30 minute trip, taking just over half an hour to drive.

The Hillsboro Community Center at 316 Eleanor Street has space nearly equal to the Lyons Events Center for a public meeting. It was used recently to host a county-wide forum for the candidates for the Sierra County Commission.

The café in Hillsboro will be open for breakfast and lunch on October 23 from 8:00 – 3:00.

Should one or more of the hearing officers prefer to stay in Hillsboro the evening of October 22, prior to the hearing, here are several bed and breakfast lodgings and one motel available. However, it may be more convenient to book a room in Truth or Consequences for the several days of the hearing and drive to Hillsboro on the morning of October 23.

I look forward to hearing from you, am ready to help with whatever arrangements you may need and can answer any questions you have.

Sincerely,

Robin Tuttle

Hillsboro, NM

575-895-5187.



Director Martinez,

I am in receipt of EMNR-MMD's letter dated July 18, 2018 providing Notice of the August 21 and 22, 2018 Public Hearings for Copper Flat Mine, Sierra County. Both hearings will be held in Truth or Consequences, over 30 miles from the mine site.

These dates are months earlier than January 2019 dates for public hearings NM Mine Division previously communicated to the public including the residents living in the vicinity of the proposed mine and most immediately affected. As recently as late June, MMD staff indicated to interested parties that the hearing would be in January. MMD should honor its prior representations.

In addition, MMD should consider holding one of the hearings at the Hillsboro Community Center, to more conveniently allow the residents of Kingston, Hillsboro Lake Valley and Animas Creek to testify.

I share the grave concerns submitted by other affected residents about the Copper Flat Mine in Hillsboro.

### **Public review of background materials**

The less than thirty days from receipt of the public notice to the proposed dates for the public hearing is insufficient to review the thousands of pages of technical documents associated with the proposed mine.

Contrary to the public notice, the Permit Application package and the Draft Environmental Evaluation are NOT posted on MMD's website; so the public is unable to review anything related to the permit.

August is a month when many of both the general public and technical experts are on travel outside the county and unable to prepare for and attend the hearing.

BLM provided four months for review and comment on its Draft EIS concerning the Mine, and NMED provided three months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of five months for the public to review and prepare comments and testimony.

## **Submissions by New Mexico Copper Corporation (NMCC)**

Pursuant to information on MMD's website, NMCC has yet to provide any financial assurances that it can successfully reclaim the mine - and will not be required to do so until the week prior to the hearing. It is unacceptable to expect the public to then have just one week to review this material.

## **Wastewater permit**

Stakeholders and their technical experts concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, two days after the MMD hearing.

## **REQUEST**

Accordingly, to protect the public interest and due process, and ensure that the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest and hold one of the hearings at the Hillsboro Community Center.

Thank you.

Robin Tuttle  
42 Cochise Trail  
Hillsboro, NM 88042

## Ennis, David, EMNRD

---

**From:** Robin Tuttle <robltut@yahoo.com>  
**Sent:** Tuesday, July 31, 2018 3:26 PM  
**To:** EMNRD-MMD.Director  
**Subject:** Clarifications on Cooper Flat Mine Hearings August 21-22 TIME CRITICAL  
**Attachments:** Director Martinez.docx

Director Martinez,

I have written previously requesting that you reschedule the above referenced hearings to a later date. I sincerely hope you do so, but especially if you do not, I have questions about how you plan to conduct the hearings. EMNRD's July 18, 2018 notice is unclear in several very important respects.

The public hearing is scheduled for August 21 and 22, 2018 from 9:00 a.m. to 7:00 p.m. on both days. This seemingly gives the public many hours of opportunity to comment. However, the very length of each hearing day and the lack of clarity concerning the conduct of the hearings significantly disadvantageous members of the public who wish to schedule attendance on either August 21 or 22 or attend and remain at the hearings on both days.

The notice indicates that "*Representatives of NMCC will provide a presentation of the requested New Mining Operation permit for Copper Flat Mine.*" Will NMCC make a single presentation at 9:00 on August 21 or repeat its presentation throughout the day as members of the public arrive at the hearing ? Will NMCC additionally make a single presentation at 9:00 on August 22 or repeat its presentation throughout the day as members of the public arrive at the hearing?

Scheduling the hearings over two days and over ten hours each day gives the impression that members of the public can arrive at any time on either day between 9:00 a.m. and 7:00 p.m.; be able to hear a presentation by NMCC; and have the opportunity to comment "*afterwards.*" When is "*afterwards*" ?

This is important to clarify not only logistically, but because the notice further indicates that "*Any interested person may testify at the hearing.*" And "*Any person who testifies at the hearing is subject to cross-examination on the subject matter of his direct testimony.*" Does the hearing officer or a representative of NMCC cross-examine a member of the public on his or her direct testimony ?

And further, "*Any person attending the hearing is entitled to conduct such cross examination as may be required for full disclosure of matters at issue in the hearing.*" Who are the "any person[s]" in this statement ? Representatives of NMCC, testifying members of the public; non-testifying members of the public ?

If a member of the public is cross-examined early during a ten hour session, responds and then leaves before the end of the session, may another member of the public raise and "cross-examine" on the issue in his or her absence.

In the notice you indicate that the hearing officer will have the authority to "take all measures necessary... for the efficient, fair and impartial presentation of the requested permit for the Copper Flat Mine and the receiving of public comments."

The process you are proposing is none of these. I believe MMD is attempting to be as inclusive as possible, but in so doing has offered an extremely confusing and very likely non-inclusive process. I hope you will take the time to rethink this approach.

I offer this concern in addition to the attached comments I submitted by e-mail earlier in July requesting a delay in the hearings until December at the earliest.

Thank you,

Robin Tuttle  
42 Cochise trail  
Hillsboro, NM 88042

575-895-5187

Director Martinez,

I am in receipt of EMNR-MMD's letter dated July 18, 2018 providing Notice of the August 21 and 22, 2018 Public Hearings for Copper Flat Mine, Sierra County. Both hearings will be held in Truth or Consequences, over 30 miles from the mine site.

These dates are months earlier than January 2019 dates for public hearings NM Mine Division previously communicated to the public including the residents living in the vicinity of the proposed mine and most immediately affected. As recently as late June, MMD staff indicated to interested parties that the hearing would be in January. MMD should honor its prior representations.

In addition, MMD should consider holding one of the hearings at the Hillsboro Community Center, to more conveniently allow the residents of Kingston, Hillsboro Lake Valley and Animas Creek to testify.

I share the grave concerns submitted by other affected residents about the Copper Flat Mine in Hillsboro.

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Contrary to the public notice, the Permit Application package and the Draft Environmental Evaluation are NOT posted on MMD's website; so the public is unable to review anything related to the permit.

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## **REQUEST**

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Thank you.

Robin Tuttle  
42 Cochise Trail  
Hillsboro, NM 88042

To the New Mexico Environment Department,

I am a resident of Truth or Consequences. I have lived here for 3 1/2 years. I've visited here each winter since 2008. I came here to live because of the peace and quiet of Sierra County and the healing hot springs water. T or C is a real oasis in the desert where every drop of water is a precious commodity.

I am opposed to the opening of the Copper Flat Mine. The dangers the operation of the mine poses are very real. My main concerns are water contamination, followed closely by air and noise pollution, light pollution of the night sky, and road degradation from mine traffic.

The risks of water contamination in our wells, streams and rivers is great. One human mistake can ruin our water supply. It does happen. The 2015 Gold King mine contamination of the San Juan River due to the release of a mine's

tailings pond is a most recent example. The copper flat mine's tailings pond will sit right on top of a water aquifer. This is an environmental disaster that we can avoid by not allowing the tailings pond to be built in the first place. I am surprised that the commission set up to oversee and protect our water resources are willing to commit water we don't have, to a company not from the US, for a future monetary gain that we don't yet have either. Are you planning to draw down our private wells and city aquifers to meet the needs of this mine? Please don't do it!! I am against promising our water resources to a company who has no interest in the quality of my life or my need for clean water.

If the copper flat mine is allowed to open there will be more air pollution to contend with from the exhaust of power equipment used in the mining operation. The sound of machinery running 24 hours a day, 7 days per week will



keep everyone who lives in the vicinity from enjoying the sound of silence.

The night skies filled with millions of stars that many of us so often enjoy will be washed out by light pollution from the halide lights used to illuminate night operations at the mine.

There will be constant traffic into and out of the mine. I don't see any information on road improvement funds being assessed the mine operations. Who will pay for the road repair to Hwy 152?

I do not see the mine improving the quality of life for folks who live in Sierra County. I do, however, see the copper flat mine operation as a threat to my quality of life.

I want the New Mexico Environment Department to deny the copper flat mine water discharge permit.

I want the New Mexico Mining and Minerals  
Division to deny the copper flat mine permit.

Sincerely,  
Lynn Uphus

---

**Mine Permit Hearing Date protest emails**

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**From :** CHUCK BARRETT <elrojo2u@gmail.com> Sat, Jul 21, 2018 11:11 AM  
**Subject :** Mine Permit Hearing Date protest emails  
**To :** CHUCK BARRETT <elrojo2u@gmail.com>  
**Bcc :** jimandteresa1@windstream.net

The NM Mine Division has moved up the date for the mine permitting hearing to August instead of January as we'd previously understood. This will obviously make it tough on opponents.

are advised by ED and MMD officials that any objections must be in asap, which we infer to be next week, the earlier the better.

Here is a sample email to send to MMD requesting a postponement of the hearing on the Mine Permit. This was a joint effort with NMELC. Please add/cut/modify/personalize as you see fit for your own personal emails you send to the MMD.

Dear Director Martinez:

I'm writing to you with grave concern about the Copper Flat Mine in Hillsboro, and specifically about MMD's proposed date for its public hearing on the Mine Permit. The proposed dates for the hearing, August 21 and 22, are unacceptable for the following reasons:

1. 30 days is not nearly enough time to review thousands of pages of technical documents.
2. Contrary to the public notice about the hearing, the Permit Application Package and the Draft Environmental Evaluation are NOT posted on MMD's website, so the public is unable to review anything related to the Permit.
3. Pursuant to information on MMD's website, NMCC hasn't yet provided any information about financial assurance for reclaiming the Mine, and won't have to until the week before the hearing; that's simply unacceptable to expect the public to then have just 1 week to review.
4. Technical experts and the general public will still be on summer vacation in August and unable to prepare for and attend the hearing.
5. Stakeholders and their technical experts who are concerned about the Mine will be working to prepare for the hearing on the Draft Discharge Permit, currently scheduled at the end of September, and will not be able to simultaneously review and prepare to testify at the hearing on the Mining Permit. As an example, the notice of intent to present technical testimony for the Discharge Permit is due August 24, 2 days after the MMD hearing.
6. BLM provided 4 months for review and comment on its Draft EIS about the Mine, and NMED provided 3 months for review and comment on its Draft Wastewater Discharge Permit. Because the Mine Permit is the main permit governing operations and reclamation, and because of the significant public concern about the Mine, MMD should provide a minimum of 5 months for the public to review and prepare comments and testimony.
7. As recently as late June, MMD staff were stating to interested parties that the hearing would be in January, yet it has been moved up 5 months. MMD should honor its prior representations.

Accordingly, to protect the public interest and due process, and ensure the public has adequate time to thoroughly review and comment on the proposed Mining Permit, I hereby request that MMD postpone the hearing until the week of December 10th at the earliest.

Thank you.

[Name, address]"

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**Ennis, David, EMNRD**

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**From:** Max Yeh <maxyeh@windstream.net>  
**Sent:** Thursday, October 25, 2018 12:19 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comment on SI027RN, Copper Flat Mine Permit  
**Attachments:** Comment on MMD Permit.docx

Please find attached my comment on the application of NMCC to operate the Copper Flat Mine.

Max Yeh



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To: The Director,  
Mining and Mineral Division  
Energy, Minerals and Natural Resources Department  
From: Max Yeh  
Hillsboro, NM  
Date: October 23, 2018

**Re: Comment on SI027RN Copper Flat Mine New Mining Operation**

**I. A Fundamental Question of Law.**

The Director of MMD should reject the application of New Mexico Copper Corporation (NMCC) for permission to mine Copper Flat Mine on the clear basis that its plan of operation does not develop the resources of New Mexico for the “maximum benefit of the people” of New Mexico, as is required by the fundamental law of this state. The Constitution of the State of New Mexico, Article XX, Section 21, states,

The protection of the state’s beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety, and general welfare. The legislature shall provide for control of pollution and control of the despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people.

To leave for perpetuity a 21 acre, several hundred feet deep, pitlake at the bottom of an enormous hole in the ground that is 2,800 feet across and 800 feet deep is hardly a protection of the state’s beauty. Furthermore, the pitlake will become polluted from acid run-off from the steep pit walls and from solute concentration due to evaporation. The existing pitlake is polluted after only 36 years of inattention. A permanent contaminated lake hardly contributes to the state’s healthful environment.<sup>1</sup> It is difficult to see why leaving the pitlake is “consistent with” maximizing the people’s benefit. Nothing having to do with the people’s benefit prevents the state from asking that this large hole be filled in and restored to the natural contours of the land, as is deemed suitable by

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<sup>1</sup> Like the MMD’s *Draft Environmental Evaluation*, I base my facts on the Application Package and on those facts recorded in the BLM’s *Draft EIS*. However, my use of facts in the latter document does not mean that I think it is generally accurate. On the contrary, the *Draft EIS* is a seriously flawed account of the impacts of this project and should not generally be the basis of any evaluation.

the legislature for other containment ponds at mine closures and as required by federal law in all coal mines.

Nor is the 600 acre tailings pond of extremely contaminated waste water, held in check by a 2 mile long sand dam and a single layer of plastic lining, a thing of beauty that we New Mexicans can consider of fundamental importance to our interests. Especially since this contamination will not be reclaimed until 20 years after mine closure, which most likely will never happen, given NMCC's inability to guarantee that the operation will be continuously profitable and thus result in a completion of mining. Again, the consideration here seems not to depend on an assessment of the benefits to the people but to the company, violating constitutional law.

The conversion of over 6,100 acre feet of clean water every year into this waste water that is so contaminated it cannot be allowed to return to the ground to be reused – a normal practice in all other uses of water, municipal, agricultural, and domestic – does not maximally benefit the people of New Mexico, especially when compared to the lives of 25,000 people that this water would support.

NMCC's proposed degradation of our natural resources must be balanced against ("consistent with") benefits that mining might bring the people of New Mexico. One might think that copper itself brings important benefits to New Mexico, but that is a vague and finally untrue idea. The copper concentrate from Copper Flat Mine will shipped through Mexico to foreign smelters, there to be sold outside the United States. The people of New Mexico will not benefit one whit from this copper. The profits from this sale will also not benefit New Mexico, the owners being Australians. The only benefit that New Mexico will derive from exploiting this low quality (and therefore high pollution) mine will be the 270 jobs that NMCC will create for 11 operating years. If mining is intermittent, and NMCC's poor financial situation suggests that it will be,<sup>2</sup> then granting a mining permit means the Director is willing to give away water for 25,000 people and the

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<sup>2</sup> For NMCC's financial condition, see the website of Themac Resources for financial statements filed with the Toronto Stock Exchange. Themac Resources carries a debt of over \$80,000,000 at an interest rate of 20%.

degradation of resources considered constitutionally of fundamental importance for these 270 temporary and intermittent jobs. This does not maximize of benefits to the people but minimizes them, violating the state's constitution.

These 270 temporary and intermittent jobs are themselves problematic in terms of their social and economic benefits. By NMCC's own statements, many workers will be from out of state, many will be from out of county. Since the resources being expended are from the county and since the threatened and actual pollution will be borne by the county, the benefits are disproportionate geographically, thus violating the norms of environmental justice.

Furthermore, the expected benefits to the local economy by means of worker spending will not happen if NMCC installs its own company village at the mine site. NMCC has stated (in BLM's *Draft EIS*) that it might do so if the market justifies it. In such a case, what the local economy might gain from housing, food, entertainment, etc., will return to NMCC. That this is a distinct possibility the Director may conclude from the information that NMCC's owner Kevin Maloney is one of Australia's richest individuals who made his money with The Mac (Australian predecessor of Themac Resources, owner of NMCC). The Mac specialized in creating mining villages of fully furnished RV parks with restaurants, stores, beer and pizza facilities, exercise clubs, etc.

The economic and social benefits of the Copper Flat Project, therefore, are deliberately minimized and not maximized by NMCC. The Director should not violate the constitutional mandate by approving the permit. The effort in NMCC's plans of operation to maximize corporate benefits – on behalf of an Australian national – and to minimize the benefit to the people of New Mexico is seen throughout the plan. For example, while it may seem that the state will gain taxes from mining, taxes will be 1) off-set by public expenditures such as the reconstruction of Hwy 152 which does not have the substructure to sustain the heavy ore trucks, increased costs of social welfare, health, education and public safety and 2) avoidance of taxation by using the county's tax-



free status to purchase equipment or by selling the copper off-shore. NMCC claims, and the MMD seems to agree, that the pit cannot be backfilled because of the cost to the company. The benefits to the people, then, must suffer. NMCC claims, and again the MMD seems to agree, that it must use a tailing pond because to use the much safer (for the people of New Mexico) dry stack method of tailings disposal is too costly; so, again, the project is not “consistent with” maximizing public benefit but favors the profit of a foreign corporation, violating the constitution.

## **II. Statutory Violations.**

**A. NM Mining Act, NMSA 69-36-7P:** The Director cannot at this time issue a mining permit since neither section 1) (prior issuance of all other required permits) nor section 2) prior issuance of the Secretary of Environment’s statement of compliance) can be satisfied or shown to be satisfiable before commencement of mining activities. Although the administrative code allows a conditional permit, the language of the statute is strict, not allowing “any” permit until prior conditions are fulfilled. Especially important in this regard is NMCC’s lack of sufficient water rights to operate. Given the absolute need for water in mining, granting a permit at this time is like granting a conditional permit to a company that hasn’t even the land it wants to exploit. Nowhere in the Mining Act is the Director given the charge of increasing the value the applicant’s assets. The issue of permitting, as the Constitution states, is the preservation of the state’s interests, not the applicant’s interests.

**B. NMSA 69-36-7Q:** Similarly, the Director cannot at this time issue a mining permit because the financial assurance has not been filed. Again, the statutory language forbids a conditional permit.

**C. NMSA 69-36-12B,4:** The Director cannot issue a permit that allows perpetual care to mitigate environmental violations. The application proposes leaving permanently the pitlake as an

open body of possibly polluted water, from which humans and wildlife and wildfowl need protection. Whatever method (fencing, alternative water sources, etc.) is proposed to do that would require perpetual care, thus violating the Mining Act.

**D. NMSA 69-36-9G:** The Director cannot permit the Mine because the Director is required first to produce an Environmental Evaluation for the public. The MMD's *Draft EE* does not satisfy this statutory requirement. It does not evaluate (therefore is not an evaluation), that is, analyse, judge, sort, assess the theories, speculations, calculations, and data to arrive at a conclusion of what the overall reasonable foreseeable environmental consequences of the action may be. Instead the *Draft EE* is simply an index by subject matter of the material in the Application Package and in the BLM's *Draft EIS*. It may be argued (though it may not be true) that NMCC's revision of its MORP since the *Draft EIS* was issued in 2015 are a response to the severe criticism of the *Draft EIS* and constitute an evaluation of that document and its criticism under the direction of MMD and NMED. However, this would be true only of the technical parts of the *Draft EIS*. Nothing indicates that the egregious mistakes of fact and thought in the sections on social and economic conditions prior to the action and subsequent to it have been evaluated. And, I see no mention in the *Draft EE* of the destruction of The John I. Hallett Placer Mining Heritage Site, something the state mining division should wish to see preserved [see Appendix below].

The *Draft EIS* was severely criticized by many commentators as being erroneous, factually inaccurate or inconsistent, making false and unsubstantiated claims, ignoring its own facts when drawing conclusions. One example became something of a joke at the BLM hearing in Hillsboro of the *Draft EIS* since it claimed (Table 3-68) that the Hillsboro area had only 15 high school graduates and no people with higher degrees while the audience was filled with Hillsboro college graduates, many with doctorates. MMD's *Draft EE*'s dependence on the BLM document is incomprehensible

given the fact that the BLM has revised it. Why would MMD use the unrevised form as its reference?

The Director needs to evaluate thoroughly the conflicting facts, interpretations, and prognostications indexed in the present *Draft EE* in order to produce for the public a real Environmental Evaluation in accordance with statute. Since the *Draft EE* is based on the faulty *Draft EIS*, I append here my lengthy criticism of that document.

### **Appendix: My Comments on the *Draft EIS***

To: Doug Haywood, Project Manager  
BLM Las Cruces District Office  
[BLM\\_NM\\_LCDO\\_Comments@blm.gov](mailto:BLM_NM_LCDO_Comments@blm.gov)

From: Max Yeh  
P.O. Box 156  
Hillsboro, NM 88042  
[maxyeh@windstream.net](mailto:maxyeh@windstream.net)  
(575) 895-3300

Date: March 1, 2016

**Re: Comments on *Copper Flat Copper Mine: Draft Environmental Impact Statement*, 2015.**

CC: David J. Ennis, NMMMD  
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Dear Mr. Haywood,

As you know I am a long-time resident of Hillsboro near the proposed Copper Flat Mine Project, and I have been researching the various impacts of the possible reopening of the mine since its proposal 4 or 5 years ago. I am a retired professor of languages and literature, but I also have a degree in Physics and many years of formal training in Chemistry. I do not pretend to expertise in any of the many fields that are required to comment thoroughly on the DEIS, but I have sufficient training and passive knowledge of many topics in the DEIS to allow a reasonable understanding of the complex issues.

Attached to this letter are the following Comments:

1. Can and Will.....p. 4.
2. Water in the DEIS.....p. 9.
3. The Socioeconomic Section (3.22) gets a D..... p. 16.
4. Partial Pit Backfill Alternative..... p. 32.
5. The John I. Hallett Placer Mining Heritage Site, Gold Dust, New Mexico... p. 38.

In this cover letter, I want to address some very general issues. At places in the DEIS there are suggestions that reclamation only needs to restore the site to a condition at which the present proposed project begins. For example, the DEIS does not consider reclamation necessary under a No Action Alternative. But in all the regulations I have read, the NEPA, the CEQ pronouncements, the Forty Questions, the mining regulations under Title 43, the EIS regulations in Title 40, it is suggested that reclamation is intended to restore the site to its natural, original condition, because otherwise, we would be in a continual state of decline as one mitigation after another falls short of complete reclamation. This is certainly what the phrase “cumulative impact” suggests. As you know the present condition of the site is not environmentally friendly with an open and polluted pitlake, unreclaimed pit walls, and a plume of pollution entering the groundwater at the former tailings impoundment. First, one would hope that BLM will require the next reclamation to do better and restore to a better than polluted condition. Second, although I know that BLM does not have funds to restore the situation at Copper Flat on its own, why cannot BLM require the present land owners to restore the site, at least to end pollution, if it does not mine? Is this not the responsibility of landowners generally? And, even if the BLM has no executive powers of enforcement, the EIS, itself, can be a locus of negotiation between the landowner/applicant and the BLM trying to manage its lands properly.

Another issue I want to broach generally is why there is not an alternative to the proposed action which is environmentally less damaging, what is called in “Forty Questions” an

“environmentally preferable alternative.” BLM need not chose that alternative, but normally BLM would have to give good reason not to. In this DEIS, there is not even the option of that alternative. Why is that choice not presented to the decision makers?

I have noticed that every time an environmentally sound alternative is suggested, such as my suggestion during the scoping session that the mine use dry stack tailings both to prevent risk of groundwater pollution and to save water, both essential issues, the answer given is that it costs NMCC too much. This was also the answer given by Solv when I asked about reclaiming the pit and the pitlake. These issues of cost need to be considered, but they are more important to NMCC than to BLM who must balance NMCC’s needs with its own need to protect the land. One would expect, therefore, that the cost estimates would need to be scrutinized and criticized by BLM to make sure that these costs are real and that they are really unreasonable. I do not see this reflected in the DEIS. After all, BLM is not the guarantor of large profits for NMCC. It must only see that the conditions for mining are reasonable. Both dry stack tailings and reclamation of the pit are reasonable demands embraced at other mines by other regulators.

The main difficulty with Copper Flat, as I mention in my Comment “Can and Will,” is that the ore grade is marginally low. That means more intense mining, greater impact, greater use of water, smaller profit, etc. The people who have made money from Copper Flat have not been the miners. They have been the land owner Mr. Lotspeich who put the package of claims together beginning in the 1950s, sells it when prices go up and buys it back when it is worthless, and the hydrologists who have made half a dozen studies to support mining applications, and the lawyers. The BLM and we the public are simply captives of this ongoing speculation in a marginal piece of mineral rights.

Regards,

Max Yeh

## Can and Will

**The whole DEIS is flawed because the study does not apply a “can and will” test on the proposed action in order to determine the proper objects of analysis for the impact study.**

A. A “can and will” test derives from western water law and refers to the requirement in permitting situations where an applicant for water rights must show that he or she “can and will” carry out the proposed project for water use. [15 C.R.S. 1990 §37-92-305 (9)(b).] It is a statutorily required administrative method to ensure efficient and expeditious consideration of applications so that time and money are not wasted by the state for frivolous projects that are not feasible. *Mutatis mutandi*, the EIS, a costly and time intensive process, needs to consider if the proposed mining action at Copper Flat “can and will” be carried out before it can determine the reasonably foreseeable impacts. The BLM is charged to determine if NMCC’s proposed plan of operation is “possible.” [Said in the 12/16/2015 Hillsboro Public Hearing.] However, the DEIS shows no indication of a “can and will” test.

B. A “can and will” test must consider:

1. Copper Flat Mine is, at best, a marginal mine.

- a. As a porphyry copper mine it has characteristically low grade ore, and because its geological formation did not go through an enrichment phase, its ore is even lower than many other porphyry copper mines.

- b. Quintana mined Copper Flat at 0.31% copper ore, compared to Chino’s 0.52%; that is, Copper Flat ore is 40% less rich than the ore at Chino. [Copper Flat grade ore calculated from Themac’s figures for Quintana production; ore quality at Chino taken from V. T. McLemore, New Mexico, USGS 2008 Yearbook.] NMCC’s Final Feasibility Study projects an average ore grade of 0.25% copper. [See below “Water in the DEIS”]

- c. As a result, more dirt is moved, more ore processed, resulting in a more costly operation with more use of energy and water. The impact is a much greater disturbance of the natural environment of the lands in the Copper Flat Project which comes at a greater cost of production of ore.

- d. Therefore, the operation is more sensitive to the fluctuation of copper prices. It is rumored that sensitivity to copper prices is what put the Quintana operation out of business in the 1980s just before the price began to rise again.

2. Themac, moreover, is a marginal company.

a. It has no assets other than Copper Flat. It has never developed a mine. It has never operated a mine.

b. It functions entirely on loans that carry a very high interest rate (20%) at a time of generally low interest rates. [Themac Resources website.] This rate is higher than that carried by Quintana in the 1980s during a time of high interest rates. [Jack Bailey Deposition, OSE file LRG 04652 A 468788 1935178.]

c. It is listed on a stock market for venture stocks (TSX Venture) where it is classified as a Tier Two company, the most risky category, and its shares are hovering around \$0.01 Canadian. [Toronto Stock Exchange Venture website.]

d. In the June, 2015, audit, Themac had a Current Assets of 0 and a Current Liability of \$56 million (Canadian dollars) resulting in a negative working capital of \$56 million. [Toronto Stock Exchange Venture website] In most recent years Themac's annual audit carried an auditor's warning that the company was at risk of failure. [Themac Resources website.] The most recent financial statement shows the company running out of cash resources sometime in 2016. [Themac Resources website.] Canadian media lists the company as a "zombie" company. [Tony Simon, "Here's why there are 600 zombie companies on the TSX/TSXV," posted on CEO.CA, February 25, 2015, Schedule A.]

C. To gauge Copper Flat's dependency on copper price fluctuation we look at Quintana's experience as an indicator.

1. Quintana occupied Copper Flat from 1975 to 1987, for 12 years, with 2 shutdowns of 3 and 5 years durations because of low copper prices.

2. Quintana actually mined for only 3 months out of 12 years and then had to abandon its project.

3.  $\frac{1}{4}$  of a year of actual mining in 12 years gives us 1 cumulative year of mining every 48 years.

4. And 10 cumulative years of mining in 480 years.

5. BLM's preferred Alternative 2 (12 cumulative years of mining) would take almost 600 years.

6. The Proposed Action's 16 years would take about 800 years cumulatively.

D. But even worse, shutdowns due to copper price fluctuations are not the only threat to operations in a "can and will" test.

- E. Copper Flat has been owned by at least 9 companies in 40 years, and none could operate except for Quintana. Most of the others chose for undeterminable reasons not even to attempt to operate. Only Alta Gold and Themac have gotten to the permitting stage, and Alta Gold went bankrupt. [Documented in OSE file LRG 4652.] All this failed effort occurred during very high copper prices; so, we can assume that a host of other impediments have operated to prevent mining during these last 40 years.
- F. Copper Flat was mined 3 months in 40 years, and that **rate of mining** shows how very sensitive mining at Copper Flat is to copper price fluctuations and to a wide range of other fluctuating conditions that have prevented operation. The 40 year period is a long enough period of time to encompass a sufficiently wide spectrum of economic situations which Themac might reasonably expect to encounter. Therefore, this **rate of mining** is a sufficient historical basis for reasonably estimating the likelihood of a future operational rate:
1. At this rate of mining, it would take 160 years for the mine to run a cumulative total of 1 year.
  2. For 10 cumulative years of mining to happen would take 1,600 years.
  3. The BLM preferred Alternative 2 of 12 years would take roughly 1,900 years to accomplish.
  4. Themac's Proposed Action of 16 years would take about 2,500 years to complete.
- G. For evaluating the impacts of mining the DEIS assumes operation will be continuous for 11, 12, or 16 years. This assumption is patently so improbable as to be unreal. Since much of the DEIS is formulated on that substantially improbable foundation, much of the analysis is misapplied. It should be noted that in presenting the Proposed Action and the Alternatives, the DEIS acknowledges the discontinuous time frame of mining by labeling the durational periods as "operational time." We hope that this temporal ambiguity resulted from a lack of coordination in the DEIS and is not a camouflage.
1. If you take this "can and will" test into consideration, the effect on the environmental impacts is striking:
    - a. The production water will mostly stay in the ground and be used hardly at all except during short bursts of activity. Much of the aquifer study with its prediction of water balance return in 100 years would not apply. None of the hydrographs project a reasonably probable future groundwater reality; though they show the vaguely possible maximum impact. Evaporation off the pitlake could be very large accumulatively.
    - b. However, since in order to even begin operations, Themac must have water rights for over 7,000 af/year, this much water rights (the right to use water) would not ever be available for other uses in Sierra County much less in the whole Lower Rio Grande water basin down to El Paso. As long as Themac has these rights, all economic and social development in the County will be stopped at present levels. Truth or Consequences and



Hillsboro have unused water rights up to the extent of their 40 year plans, but beyond that there will be no more rights available. The major economic consequence of mine operation is the catastrophe that there will be **no development ever** in Sierra County because of the lack of water rights even if the water is there in the ground. The entire analysis of socio-economic impact is simply wrong. See my “The Socioeconomic Section Gets a D.”

c. Forget 300 jobs for 12 years. Most of the time in the next thousand years there will be 1 part time job for a caretaker who will be panning for gold and taking mineral samples in order to keep alive the many small mining claims that make up the Copper Flat mine site. And, that job is at present already taken. All the IMPLAN computer modeling of the collateral economic impact on Sierra County are wrongly based on the cumulative operational time spans as if they were continuous time and thus are all highly unreliable as reasonable estimates of a foreseeable impact.

d. Practically speaking the mine will never close, and thus there will be no reclamation. The pit will continue to be in violation of water balance issues relative to groundwater. The pit will continue to be a pollution problem. The tailings area, which is seeping pollution into the groundwater right now as we speak, will continue to do so. Soil erosion will continue in the open, unreclaimed pit area. Wildlife habitat will continue to degrade. The pit area will remain barren of vegetative cover.

e. But, as the mine over the coming centuries every now and then exposes new materials to oxidation, the sulfate levels and metal levels and particulate levels of pollution will increase from the pit area.

f. BLM is charged with the management of our lands, but permitting the Proposed Action or Alternatives 1 or 2, permanently prevents other uses of this land, as miners who have claims near the site and have been locked out of their claims by Themac can testify. This obstruction to true land management has social and economic effects which are also ignored in the socio-economic section of the DEIS, which seems to concentrate on the dollar benefits of hypothetical jobs rather than the action's costs.

H. These and other major cumulative, consequential and collateral impacts are unexamined in the DEIS because it assumes that operation can and will be continuously sustained and then the area reclaimed. Impacts must be the effects of actual, expected (not hypothetical) mine operations, including the reasonably forewarned long periods of environmentally degrading inactivity.

I. Since the BLM needs to take into account the maximum impact for the various issues of Chapter 3, it needs to consider in a revised DEIS that some issues would involve the possibility of 11, 12 or 16 years of continuous mining (for example, water use), but for other issues the maximum impacts are more severe because of permanent non-closure and non-reclamation (for example, the catastrophic impact of no more future economic and social development because of the lack of water rights in the county).

J. Once we take into consideration the possible, even probable, durations of the Proposed Action and the two Alternatives, the differences among them are very slight. In fact, there are not real alternatives offered in this DEIS. A permit to mine simply degenerates into an almost permanent occupation of Copper Flat with a catastrophic economic impact on Sierra County and an almost permanent and continual degradation of land, water, and wildlife habitat. The strange fact that NMCC proposed the Proposed Action and yet prefers not its own proposal but one of the other alternatives substantiates the minimal real-life difference between the choices offered the decision maker and the public.

K. Although federal mining regulations (43 CFR 3809.424) allow BLM to enforce a closure after 5 years of inactivity, enforced abandonment and final reclamation are not a fail-safe measure which might obviate BLM's obligation to anticipate reasonably all the contingencies of the Proposed Action and its so-called Alternatives. It is easy to use a rate of production of 3 months of operation every 5 years to calculate real time spans in centuries for the completion of the mining plans without ever requiring enforced closure and reclamation.

L. The probable rate of production at Copper Flat can be calculated in a way more sophisticated than the method used in C, F, and K above, and during scoping a stochastic study using Fibonacci numbers was requested of BLM to estimate the probability of the project's failure. In so far as this probability study was ignored, the present DEIS violates the Council on Environmental Quality's regulations for scoping.

M. The BLM may respond by saying that Themac has done 3 feasibility studies, including a "definitive" one in 2013. However, it is clear that a "can and will" test is different from a mining feasibility study, the needs and aims of BLM being different from the aims and needs of a mining company, though there may be overlapping interests. Whereas, the BLM needs to protect the environment while managing the land effectively, Themac is interested in investments. It can be seen clearly that the final feasibility study on which the highly intensive and supposedly short term of operation of Alternative 2 is based, aims to please investors who want to get a return on investment as fast as possible. Surely, this is not BLM's intent. What, then, are BLM's reasons for echoing NMCC's preference? Is BLM claiming that its preferred alternative is also the "environmentally preferred alternative" in spite of statements to the contrary?

N. The DEIS notes (2-87) that BLM can eliminate an alternative when "it is ...economically infeasible (consider whether implementation ... is likely given past and current practice; this does not require cost-benefit analysis or speculation about an applicant's costs and profits)." That is to say, BLM's determination of "feasibility" does not require consideration of NMCC's determination of feasibility ("applicant's costs and profits"). Furthermore, BLM can eliminate an alternative when "its implementation is remote or speculative." Thus there are NEPA provisions for eliminating all the proposals, when the past of Copper Flat is considered.

O. A Proposed Action that has no expectation of fulfillment is hardly a proposal. Alternative Actions that are only figments of imagination are no alternatives. An EIS that has no basis on a reasonable projection of reality cannot be a study of environmental impacts. "Oh, how long, Lord," *Psalm 13*.

## Water in the DEIS

*Water, water, everywhere  
Nor any drop to drink.*  
S.T. Coleridge,  
“Rime of the Ancient Mariner”

### I. Introduction

NMCC’s need for water is absolute. No water, no mining, not the Proposed Action or the two Alternatives. Yet, the DEIS’s analysis of water availability and the consequences of using that water is severely constrained by self-imposed limits. Scoping comments produced 105 comments on water (1-12, 1-13), the single most important issue for people living in the region. Yet, the study deliberately ignores the most important impacts that could result from the mine’s water use because they are defined as subjects not of concern to BLM or too large for the EIS to address. The DEIS, thus, fails to encompass the large ramifications of water use in a desert environment, which, after all, is the purpose of the EIS.

Although water in New Mexico is governed by state laws and administered by the State Engineer (OSE), so that it may seem water is not within BLM’s purview, nonetheless, the BLM is required when considering an application for permit to mine to ensure compliance with applicable state laws. In addition, the OSE is officially a “cooperating agency” (1-8). The DEIS, then, has the opportunity to offer the public and the decision-makers a thorough study of the water issue.

### II. Water Availability and Water Rights

NMCC’s modeling of the local aquifers gives assurance that the physical amount of water is sufficient for NMCC’s needs, even under the accelerated mining Alternative 2. Yet, the DEIS says (2-84) that Alternative 2 will consume 6,105 acre feet of water every year, and it also says (1-11) that NMCC has the legal rights to only 888.783 acre feet of water a year.<sup>3</sup> At this time, therefore, there is not enough legally available water to mine. This fact is a serious impediment to passing a “can and will” test which should precede the trouble and expense of an EIS. See my comment “Can and Will.”

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<sup>3</sup> The OSE’s offer of 888.783 af/a rights refers to groundwater rights. It does not cover the 304 af/a drainage water NMCC proposes to use (Table 2-11), which is surface water that NMCC does not have rights for, nor does NMCC claim to have those rights. Whether OSE will allow this extraction of public waters is debatable.

The EIS disposes of this problem in a few paragraphs in section 1.6.3, which concludes with the erroneous claim: “The OSE will ultimately approve the availability of adequate water rights in accordance with the ongoing process described above.” But the OSE cannot approve beforehand these water rights, and the BLM cannot guarantee such approval. NMCC’s “ongoing process” to obtain enough water to mine is fraught with difficulties unacknowledged and unanalyzed by BLM.

NMCC’s claims to 7,376 af/a are no longer only a matter of appeal before the OSE Hearing Unit (as stated on 1-11) but are being challenged by the State of New Mexico, through the OSE, in court in the Lower Rio Grande Adjudication. All of its claims are being challenged, so that the rights to 888.783 af/a may be lost. Nothing is certain.

The possibility of leasing or purchasing water rights involves a complex and costly transfer process which can include, and in this case, probably will include a public hearing where issues of physical availability, impairment, conservation, and public welfare will be decided. While NMCC may be able to prove physical availability, the modeling of the aquifer used in this DEIS shows that NMCC’s water use will result in significant impairment to the Rio Grande River. For all of BLM’s discussion of NMCC’s conservation plans, the fact that all of NMCC’s used water will be eventually evaporated into the air rather than flow into the aquifer as effluent means that all the water is not conserved but consumed totally thus violating the requirement to conserve water in the basin through adequate effluent release. The statement (3-305) that “[s]ome water used for processing and smaller mining-related uses ... is not renewable and represents an irreversible use of resources” is completely wrong. All water used at the mine becomes, relative to the availability of water in the basin, not renewable and represents an irreversible use of resources. The removal of this much water, roughly ¼ of groundwater used yearly in the county, will certainly bring up issues of public welfare in that the water is totally displaced from its local social and economic possibilities, leaving a wasteland in its wake.

Water marketing is not well developed in New Mexico. See Jeremy Oat and Laura Paskus, “Water Marketing in New Mexico,” *Water Matters!*, 27, [uttoncenter.unm.edu](http://uttoncenter.unm.edu). Not only is water in this large quantity not always available, but when it is, the price can be very high, sometimes \$10,000 to \$15,000 per af/a. Can and will NMCC pay \$70,000,000 to \$100,000,000 to mine, more than the value of its claimed assets? See Themac 2015 Balance Sheets on the TSXV website, where Themac is shown to have a working capital (the difference between current assets and current liabilities) of negative \$56 million. Has BLM considered this?

Therefore, at this time when BLM must decide on the alternatives the DEIS offers, there is a certainty that the mine does not have enough water rights to operate, and there is a reasonable likelihood that it will not have enough water to operate in the future. The EIS process should not go forward until this problem is addressed and a reasonably realizable solution offered.

### **III. Consequential, Collateral, and Cumulative Impacts on Regional Water Balance**

Sierra County is and has been an area of deficit water use; that is, the area needs more water than it has. Citing the 2003 Socorro-Sierra Regional Water Plan, the 2006 Sierra County Comprehensive Plan states,

The estimated water supply available to the two-county region, and the projected demand in the region were compared in the Regional Water Plan to determine a “water budget,” an accounting of inflows and depletions in the water system. Full satisfaction of all human and natural (evaporation, for example) demands would result in a net water deficit of about 77,900 acre-feet per year. Moreover, the water budget represents only the average annual budget—actual supplies vary from year to year. The Regional Water Plan determined that supply would fall short of meeting demand by 194,000 acre-feet in a low-flow year (calculated as the 10th percentile year, or year with annual flow lower than 90% of all annual flows measured over the long-term).

The DEIS nowhere acknowledges or takes into consideration this deficit condition as a baseline for water in the county. The mine’s water use, especially because the mine will produce no effluent, will increase that deficit. The loss is in perpetuity and irretrievable. The ability of this region to endure drought might be severely reduced even by small, permanent reductions of flows. In light of recent projections of frequent and prolonged droughts, reversing mistaken climatic ideas that were based on the last century’s uncharacteristically abundant precipitation, the judgments in this DEIS of the effects of small reductions of flows may need to be changed. See Toby R. Ault, *et als*, “Assessing the Risk of Persistent Drought Using Climate Model Simulations and Paleoclimate Data,” *American Meteorological Society Journal of Climate*, 27 (15 October 2014), 7527-7549.

For example, the lowering of flows in the Percha Box or in Animas Creek are said to be inconsequential, but given the water balance deficit and increased likelihood of prolonged drought, vegetation and wildlife might be seriously affected. The Sycamore trees of Animas Creek are said to be safe. Yet, anyone who has seen the way these trees grow splayed out from around a dead central trunk understands that these trees at one time died back during a drought and survive through suckers. Given the overuse of water anyway, a small decline of groundwater flow resulting from mine operation could kill the trees permanently in a severe drought. BLM’s analysis of water impact seems based on average flow rates, whereas desert ecosystems depend on critical, i.e., low flow rates. The effect of new climatic understanding, the effect of global warming, the effect of a continuing and worsening overuse of water in the area—are simply not figured into the DEIS analysis of water use impacts.

The concept of water balance in the region is left out entirely. The only use of that concept in the DEIS are the calculations of water quantity for the mine’s purposes and to show that after 100 years the Palomas basin will return to balance. Not seeing the mine’s use of water in the context of regional water balance seriously jeopardizes the long term future of the area. Continuing deficit use seems unstoppable if ignored in this way, and the irretrievable impact is a slow drying out of the region and a decline of life of all kinds.

#### IV. Water Rights

Already in 1982, the year Quintana mined Copper Flat for 3 months, the state perceived the region's deficit water use and declared the Lower Rio Grande a basin in order to regulate water use by controlling water rights. Since then, the OSE has administered water from Elephant Butte Dam to the Texas border as a fully appropriated basin, meaning that new water rights in this region were and still are restricted. All water in the basin is already spoken for. Yet, in the DEIS we find BLM proposing a major new use of water as if there were no scarcity of water, no difficulty for NMCC to acquire new water and new water rights, no dilemma for the OSE to simply add to the over-abundance of "paper" water which the Lower Rio Grande Adjudication struggles to reduce. What are the consequences of the BLM's actions on the State's efforts to manage its water problem rationally?

It should be made reasonably clear in the DEIS that the Proposed Action and the two Alternatives are proposals for consuming a large amount of a limited and dwindling natural resource, that using this water is an exercise of new water rights, so that the consequence of mining is also the consequence of creating new water rights. This creation has immense conflictual impacts. Consider that the reduction of flow in the Rio Grande River violates interstate and international agreements about the river water. If NMCC manages to get water rights, enough to operate the mine, it will need also enough water rights to off-set its damage to the river. Putting that flow back into the river will reduce water elsewhere. The result is a shifting of water distribution in ways not here calculated though they should be. And, there will be a net reduction of water available to satisfy needs, both human and natural, in the county. Correspondingly, there will be a net reduction of water rights available for use in the basin. This reduction of water rights significantly affects the socioeconomic life of the region in ways that can be catastrophic, yet the subject is ignored in the DEIS. See my comment "The Socioeconomic Section Gets a D."

While the subject of water rights is large and complex and while BLM might not want to touch the subject with a ten-foot pole, it is, nevertheless, of paramount importance to a study of the environmental impact of the proposal. The water rights for this project are being decided in New Mexico's District Court at present, but even more pertinent is that these water rights are part of a case pending in the United States Supreme Court: *Texas v. New Mexico and Colorado*.

**Let the Fight Begin- TX v. NM**



## *Discussing WaterRights, A Western Pastime*

In 2014, the Department of Interior entered the suit as plaintiff joining Texas in asking that New Mexico prevent wells near the Rio Grande River, such as NMCC's production wells, from disturbing the flow of the Rio Grande River and reducing deliveries to Mexico, Texas, the Elephant Butte Irrigation District, and El Paso. While one branch of the Department of Interior, the Bureau of Reclamation, is seeking such redress, another branch, the BLM, is proposing exercising a large water right drawing hitherto unused water from the sources of the Rio Grande. Can such consequential, collateral, and cumulative impacts simply be ruled out of bounds in an EIS which is meant to be the basis of rational decision-making?

### **V. NMCC's Water Use**

Given the scarcity of water, its non-renewable nature, and the difficult legal issue of water rights, the BLM should care that the DEIS treats with accuracy the issue of how much water NMCC needs to mine Copper Flat. Section 2.1.7 Water Supply deals with that subject, and it begins with the statement, "...Copper Flat mine would implement best management practices (BMPs) to conserve this valuable resource." The declaration is typical in Chapter 2 in that many sentences use this verbal auxiliary "would" to indicate that what is proposed is NMCC's intent and not BLM's requirement. NMCC intends to use BMPs, but it is not required by BLM to do so. In that respect, the whole section is understood to be NMCC's projections of water use without BLM's intervention, and this uncritical adoption of NMCC's MPO results in a fatal flaw in the discussion of water quantity.

Table 2-9 claims that "[a]verage water used to process 1 ton of material" will be 633 gallons. Upon this single unreferenced and unquestioned claim, all of the discussions of water use in all the mining alternatives are based, as are all of the projections in the aquifer study, and all analyses of the impact of water use. We intend here to look more closely at what this quantity means. Is it sparing, or is it extravagant? Reasonable or ridiculous?

In the Proposed Action, mining 17,500 tons of ore a day will result in 6.39 million tons of ore a year. Using the 633 gallons processing water per ton of ore means that the 6.39 million tons of ore will require, on the average and in one year, 12,400 acre feet or  $4.04 \times 10^9$  gallons of processing water.

How much copper will be extracted from this ore? The 2013 *Definitive Feasibility Study of Copper Flat* is summarized online by Themac on its webpage. It claims that Proven and Probable Mineral Reserves will total 113 million tons of ore at a grade of 0.30% copper and Measured and Indicated Mineral Resources will total 305 million tons of ore at an average grade of 0.23%. The ore body, then, has an average grade of about 0.25%.

Therefore, 6.39 million tons of ore a year on the average during production will produce 16,000 tons/year or 32 million pounds of copper a year [ $6.39 \text{ million tons/year} \times 0.25\%$ ]. Since this copper is produced by using  $4.04 \times 10^9$  gallons of water, NMCC on the average will be using 126 gallons of process water to produce 1 pound of copper.

Of this 126 gallons/lb cu use, some part is reclaimed water and some of it is new water. Using Table 2-10, the amount consumed yearly is 4,274 af and the total used is 13,370 af; that is, 4274/13370 or 32% is the portion of water used at the mine that is completely consumed on the yearly average and must be replaced by new water. Therefore, of the 126 gallons of process water used to produce 1 pound of copper, 32% or 40.3 gallons must be new water. NMCC projects a water usage rate of **40.3** gallons/lb. cu.

Below is a survey of water usage at large Arizona copper mines taken from Dr. Madan M. Singh, Director of Arizona Department of Mining and Mineral Resources, "Water Consumption at Copper Mines in Arizona," Special Report 29, December, 2010:

#### **Water Use (Gallons) per Pound of Copper**

| <b>Mine</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> | <b>2008</b> | <b>Average</b> |
|-------------|-------------|-------------|-------------|-------------|-------------|----------------|
| Bagdad      | 24.0        | 23.8        | 23.4        | 23.9        | 23.8        | <b>23.8</b>    |
| Miami       | 64.0        | 53.6        | 66.9        | 61.9        | 65.2        | <b>62.3</b>    |
| Mission     | 27.3        | 36.4        | 24.1        | 24.1        | 26.8        | <b>25.0</b>    |
| Morenci     | 4.5         | 4.6         | 5.3         | 5.8         | 6.5         | <b>5.4</b>     |
| Ray         | 18.5        | 18.8        | 23.1        | 18.6        | 24.0        | <b>20.6</b>    |
| Sierrita    | 55.7        | 58.5        | 53.8        | 58.0        | 47.1        | <b>54.6</b>    |
| Silver Bell | 7.9         | 6.3         | 7.2         | 6.3         | 5.6         | <b>6.7</b>     |

#### **Projected Use**

|                      |            |
|----------------------|------------|
| Rosemont             | <b>7.4</b> |
| Safford (Dos Pobres) | <b>7.5</b> |

A comparison with NMCC's 40.3 gallons shows us that unlike the newer mines (Rosemont and Safford) and unlike Morenci where extensive water saving methods were instituted, Copper Flat will use water in the order of magnitude of Miami, an exhausted mine using older technology, and Sierrita, which has about the same very low ore grade as Copper Flat. The 633 gallons/ton figure is clearly excessive.

These numbers do not indicate any best management practices. With BMP one would expect a number similar to Morenci, Silver Bell, Rosemont, or Safford. Indeed, Dr. Singh says,

Fresh water consumption at the concentrator plant is around 200 gallons/ton of ore [a bit higher at Copper Flat]. If recirculation is maximized, leaks are avoided, the water use may be optimized to about 90 gallons/ton of material, as has been shown to be possible in some plants in Chile.

That is to say, BLM should want NMCC to use less than half or even a third of the water it claims it needs. This is a cavalier treatment of a supremely important issue in this study of environmental impacts.



BLM should note that NMCC is participating in updating the state wide regional water plans, and it seems to have self-reported its water needs as only 2,000 af/a. See *Socorro-Sierra Regional Water Plan* (January 29, 2016, draft), Table 6-5, Projected Water Demand, for year 2020.

## **VI. Water and the Mining Alternatives**

The DEIS's Proposed Action, upon which is based the previous discussion of water use, is a fictional construct. Every time the DEIS says that NMCC "would" do something, it does not mean that NMCC intends to do it, because NMCC is actually proposing Alternative 2. In fact, NMCC intends, if permitted, not to do it. Since water use under Alternative 2 is much greater than in the Proposed Action, BLM's concern for water conservancy and mining's impact on water in the basin seems minimal. The BLM has not proposed a mining alternative which lessens the extravagant water use. In terms of the single most important issue for permitting mining, the extraordinary increase of water use locally and the consequential depletion of water supply, the DEIS offers decision-makers only a choice between extravagant, more extravagant, and most extravagant water use. And among these choices, BLM, following NMCC, prefers the most extravagant choice, the one with the greatest environmental impact upon a scarce and valuable non-renewable resource.

Why does BLM favor this extreme choice? The DEIS says that increasing the intensity of mining increases efficiency. This is surely true since the equipment will be used maximally. But efficiency is here measured in terms of NMCC's cost analysis. Efficiency equals greater profits for NMCC. The NEPA does not mandate such a consideration in an EIS. In the NEPA process, the BLM's focus should rest on impacts upon the human and natural environment, in this case on the unwarranted and inefficient use of water according the NMCC's plan of operations.

If BLM is to offer a choice of mining alternatives, it must offer an alternative with less use of water, and it should prefer that choice unless good reason is given in the EIS not to choose a less detrimental alternative, one which attempts to prevent damaging effects on the water environment.

## The Socioeconomic Section (3.22) gets a D

### I. Introduction.

The Draft Environmental Impact Study [“DEIS”] analyzes the socioeconomic impact of the proposed mining action without recognizing the fundamental social and economic value of water. It does not apply an interdisciplinary approach that brings together physical nature and human life. The Council for Environmental Quality mandates that approach under the NEPA when drafting an Environmental Impact Study [“EIS”]. Instead of following this required approach, the DEIS substitutes a pro-mining bias for objectivity. This substitution promotes a completely inaccurate narrative of the socioeconomic situation of Sierra County. It misinterprets data, makes unsupported claims, and it presents false facts.

### II. Mistakes, Misinterpretations, and Myth

Section 3.22.1.5.3.2 *Continuing Education* uses numbers derived from U.S. Census Bureau data erroneously, negligently, and irresponsibly. The DEIS cites these numbers in the text and in Table 3-68. The source for these numbers is given under the Table: “U.S. Census Bureau, 2006-2010.” Apparently, the reference is to the American Community Survey’s intercensal 5-year estimates for 2010. Below is the portion of that document the DEIS used for the Hillsboro CDP:<sup>4</sup>

|                                             | Estimate | Estimate MOE | % Estimate | % Estimate MOE |
|---------------------------------------------|----------|--------------|------------|----------------|
| EDUCATIONAL ATTAINMENT                      |          |              |            |                |
| Population 25 years and over                | 183      | +/-222       | 183        | (X)            |
| Less than 9th grade                         | 143      | +/-190       | 78.1%      | +/-23.5        |
| 9th to 12th grade, no diploma               | 25       | +/-38        | 13.7%      | +/-28.9        |
| High school graduate (includes equivalency) | 15       | +/-25        | 8.2%       | +/-6.7         |
| Some college, no degree                     | 0        | +/-127       | 0.0%       | +/-18.4        |
| Associate's degree                          | 0        | +/-127       | 0.0%       | +/-18.4        |
| Bachelor's degree                           | 0        | +/-127       | 0.0%       | +/-18.4        |
| Graduate or professional degree             | 0        | +/-127       | 0.0%       | +/-18.4        |
| Percent high school graduate or higher      | (X)      | (X)          | 8.2%       | +/-6.7         |

<sup>4</sup> American Community Survey, 5-year Estimate, 2006-2010, Selected Social Characteristics in the United States (DP02),



Adobe Acrobat  
Document

Hillsboro CDP, New Mexico:

For the Hillsboro CDP (Census Defined Place), the 5-year estimates are based on a very small sampling, resulting in very large Margins of Error (MOE), as can be seen in the USCB document. Thus, the DEIS claims (3-250), “About 78.1 percent of the total population in the Hillsboro CDP has less than a ninth-grade education.” However, the USCB document shows that the estimate of 143 has a MOE of +/-190, effectively making that estimate meaningless.<sup>5</sup> Furthermore, the DEIS prefers to use the percentage estimate which has itself an additional, non-statistical MOE of 23.5%.

Similarly wrong are all the numbers in Table 3-68 on the educational levels in the Hillsboro CDP, in Sierra County and in the state of New Mexico. The Table shows High School Graduates in the Hillsboro CDP at 8.2% (or 15), but the USCB estimated 15+/-25. Even if this wide MOE does not render the estimate meaningless, the estimate refers to people with the maximum educational “attainment” of a high school degree; it is not the number of “High School Graduates,” as the Table indicates. The DEIS says Hillsboro CDP has 0% people with Bachelor’s Degrees, but the USCB estimated 0+/-127 people with BA degrees. The USCB declines (X) to give an estimate of the number of people in the Hillsboro CDP who have high school or higher attainment in education, that is, the total number of high school graduates in the area. USCB statistics for Sierra County also differ radically from the numbers given in the Table: 83.9% high school graduation and above compared to 37.3% in the Table (the estimated percentage for those with only high school degrees) and 21.1% instead of the Table’s 16.8% for bachelor’s degree and higher.<sup>6</sup> Not only are USCB’s estimates completely misunderstood and misused, but the DEIS does not even use available current (2014) estimates or cite the actual 2010 census count which shows Hillsboro CDP with a total population of 124 (compared to the Table’s 183 persons above the age of 25).

These egregious mistakes show a serious ignorance of statistics and an astonishing negligence in reading USCB’s explanations of its use of data. Significantly, the DEIS compounds these errors by relying upon this lack of understanding to conclude that “[t]he relatively low levels of educational attainment and technical skills in Sierra County have provided challenges to attracting employers to the area” (3-250). There is no evidence from prospective employers that the low educational levels of prospective employees prevented these potential employers from moving to Sierra County. Furthermore, a brief glance at Table 3-68, if it is creditable at all, shows that Sierra County’s high school graduation percentage is markedly higher (by 37%) than the rest of New Mexico. Considering the actual USCB figures, 84% high school graduates in Sierra County and 83.6% in New Mexico, the factual basis for such a statement is entirely absent. More importantly, however, the study’s own evidence indicates an entirely different story.

<sup>5</sup> The USCB defines its Margin of Error as a 90% chance that the correct estimate is between the lower and upper limits of error. In this case, there is a 90% chance that the number of Hillsboro CDP residents with less than 9<sup>th</sup>-grade education is between 0 and 333.

<sup>6</sup> American Community Survey, 5-year Estimate, 2006-2010, Selected Social Characteristics in the United States (DP02), Sierra County, New Mexico

Yet, the notion that Sierra County's poor economic status results from the low capacity of its poor residents forms the cornerstone of this study's narrative: because citizens of Sierra County are uneducated bumpkins, businesses will not come here. Life in Sierra County is hopeless. And now the mine is coming to bring desperately needed jobs and so will brighten the whole County: a completely false narrative of the County's economic and social condition.

### **III. The Actual Socio-economic Situation in Sierra County and the Basis for This Situation**

What follows is a more realistic description as an alternative to this myth. It is one based upon the statistics presented by the DEIS itself. Unemployment rate has been historically low in Sierra County. In 2010, it was 6.8% (3-239) at a time when the national rate was 9.6% (a comparison ignored in the DEIS), thus significantly lower, perhaps one of the lowest in the country at the time. Thus, the county does not, statistically speaking, desperately need jobs. The most probable reason companies choose not to move to the county is because there is no evidence of a local employable workforce. One can conclude that from the fact that during the construction of the Spaceport, only 10% of the workforce was local (3-242).

Tables 3-58 and 3-59 show the workforce and the actual employment growing in the 2000-2010 decade in Sierra County, again by a wide margin above similar growths in the state. The economy, in fact, is growing at a very healthy rate. Table 3-61 shows a per capita personal income increase of 63.2% for the decade, almost double that of New Mexico. It is true that the workforce grew faster than the employment (by 133) but this difference is accounted for by ten years of resident children growing into adulthood and joining the labor force.

The reason the county employment situation is not dire, as the study claims, is because Sierra County has been historically a retirement area for working class people. It has a high percentage of older workers preparing for retirement, retired people, and people living on other types of fixed incomes, disability pay for example. Table 3-55 shows the distribution of population by age. Sierra County shows an abnormal distribution curve, an upside-down pyramid, just the opposite of the normal curve we see in New Mexico. The distribution for Truth or Consequences, where most the jobs are, is more normal, but still quite distinct from that of NM. Overall, in the county, the older population far exceeds those of working age.

The county's income level (Table 3-61) is totally commensurate with the high density of fixed low-income residents, and the whole social and economic structure of the county is determined and conditioned by that fact. People move to Sierra County primarily because housing (among other things) is cheap (see Table 3-57). Their low income level, typical for fixed income groups among the working class, fits the low demands on their income.

There is a suggestion in the study and repeated in the DEIS Hearing in Truth or Consequences (December 17, 2015) that the county is experiencing an outward migration. Within the false narrative the study proposes, that fact becomes a sign of the need for jobs and

development. It is true that there are a few local anecdotes of the young leaving home because they cannot find jobs. Significantly, the number of such “outward migrants searching for employment” is in reality so insignificant as not to appear within the statistics. Young people leave to go to college and find jobs elsewhere. It is a historical trend and a condition of life in small town America that cannot and perhaps should not be reversed. Perhaps, some vocal parents are anxious to keep their children from leaving home and experiencing the larger world, but that personal preference should not affect the EIS. In fact, there is absolutely no evidence of a significant “outward migration.” Between 2000 and 2010, the county lost 1,282 people (Table 3-53). But in the same decade over 2,000 people died in the county (Table 3-56 shows 705 deaths in three years, or 2,350 in 10 years). Since deaths outnumbered births by 1,353 (because the population of Sierra County is older), the population loss does not provide any evidence at all to support “outward migration” and the need for new sources of local employment in order to retain residents.

The sole evidence for “out-migration” took place in 2012-2013. That was when New Mexico Copper Company [THEMAC] cut back on its exploration operations at the mine and at the same time Spaceport America finished construction. If the “out-migration” is a detriment to the county’s social and economic wellbeing, what happened in 2012-2013 foreshadows the future of Sierra County if NMCC’s Copper Flat Project is permitted to commence mining operations. Every job NMCC creates in Sierra County will result in a corresponding loss of work and unemployment 12 years later (or sooner if the mine shuts down early). The reality—in contrast to the fantasy spun in the socio-economic section of the DEIS—is that an exodus from the county will be the consequential impact on employment (and tax revenues) for the county under the Proposed Action or either of the proposed Alternatives. If “out-migration” were a real problem, having a mine in Sierra County, rather than solving that problem, merely pushes it off into the future. If the duration of mining operations is intermittent, as one may reasonably expect based upon NMCC’s own representations, then job-loss, unemployment, out-migration will occur repeatedly with a consequential undermining of the stability of employment, economic growth and revenue for Sierra County. Rather than promoting such a “boom and bust” future for Sierra County, the Bureau of Land Management is charged to protect the citizens of this County and the State of New Mexico from such an outcome.

Of course, job creation is welcome—but Sierra County is not in the desperate situation that the study depicts in order to project the alleged benefits a mining operation will bring. Sierra County is on a steady and sustainable growth curve that is severely threatened by the massive impact upon County infrastructure (roads, bridges, electric power sources and lines, houses, schools, hospitals, emergency workers) from the sudden introduction of a thousand new workers and their families for mine construction and operations.

The first primary impact upon the local economy will be on housing. Any increased demand for housing in the present environment will raise costs. This inflation benefits landowners, but is detrimental to fixed income renters, who make up a large part of the population in the County.

The rosy picture painted in DEIS Section 3.22.2.1.4 is based, as is so much of this study, on questionable data. The number of people needing housing is reduced drastically by accepting

NMCC's "anticipation" that it can hire 70% of its workforce "locally." The figures the study cites on the small percentage of local workers at the Spaceport project, the low unemployment rate, etc. all indicate that if NMCC succeeds in its plan, it will rely on massive "cross-overs," i.e., people who drop one job to take another. That, in fact, is yet another negative economic and social impact completely neglected in the DEIS. If NMCC does not have a reasonably long-term success, the inflow to the county will be much larger than the DEIS's estimation of 120-270 individuals during operation (assuming the unrealistic durations of operation proposed).

Given that an adequate EIS under the Council on Environmental Quality guidelines must estimate the maximum reasonable direct, consequent, and cumulative impacts of the proposed action, inflow should be calculated at 100% of the mine's labor force. Using the total labor force of 270 for Alternative 2 (Table 2-26), and the family size of 3.13 (p. 3-263), the maximum possible increase in county population is 845 (or a 7% increase). This substantial increase in population with the consequent increase in cash flow in the county is a red flag for inflation in cost of living. This will have a serious deleterious impact upon persons living on fixed incomes and persons whose disabilities make them permanently unemployed. Moreover, the County will be forced to deal with these adverse direct, consequent and cumulative socio-economic impacts upon a very large segment of the population of Sierra County who will lose their homes with a consequent loss of revenues to the County at the same time as the County will need to deal with the impacts of homelessness, increased need for social services, and the undermining of the property tax base which supports local schools.

Given the BLM's promotion of an inaccurate and false description of social and economic conditions in Sierra County, this DEIS leaves unanalyzed potential adverse economic impacts on Sierra County from the NMCC mining project. This failure violates the NEPA and, if uncorrected, would profit a foreign enterprise at the expense of the human welfare of citizens of the United States.

#### **IV. Seeing the Future with IMPLAN**

IMPLAN is a non-survey computer program for estimating economic impacts within a geographical/economic region. Instead of surveying what businesses and other economic agents in a geographical area actually do on the ground, it utilizes an enormous compilation of economic data from each area, in units as small as a county or a zip code area. Using this historical data it generates for any desired area an Input/Output (I/O) economic model of all economic transactions (an exchange of values: money for commodities or services) following the flow of money so that each transaction is at once an output and an input from one agent to another, or on a higher level, from one industry to another. It creates this model on the basis of the standard categories of industries (440) and adds the government and households as additional agents of transactions. Using the relative proportions of these exchanges between agents within an industry and also the relative proportions of these exchanges among the different industries, IMPLAN can estimate the effects of an economic change within one agent upon the whole economic system modeled. The resulting impacts are not exact, being based on estimates, and they are not predictive of the future economy, only the hypothetical impact within a historically

modeled economy given a hypothetical change in a given economic agency: “IMPLAN doesn’t make any projections into the future; IMPLAN estimates the economic impact activities by looking backwards through the economy to see what goods and services support an economic change based on how the economy has performed in the past (Scott Lindall, CEO of MIG, “Introduction to IMPLAN v 3,” training video, Implan.com website).

Since the BLM participated in developing this computer modelling program in the 1980s, the way IMPLAN is described, used, and interpreted in the present DEIS is disappointing. For example, the program, adapted to the region and altered to accommodate copper mining, apparently predicted that \$15.9 million would be spent into the local economy in 2014, etc. (3-258). However, Themac’s cash flow for the past 5 years does not indicate where this money could have come from.<sup>7</sup> Did the predicted expenditures actually take place? Is there evidence in 2014 from the tax records that the county increased its economy by that amount? That is, where is the verification of this computation that would give confidence in the accuracy of the modelling?

The economic impact tables generated by IMPLAN show very large numbers, for example, Table 3-82, where we see that for Alternative 2 NMCC is expected to create 3,440 Direct Effect jobs and a combined Total Effect of 5,218 jobs. A reader-- a member of the public or a decision maker-- might be impressed with that expansion of job opportunities in a county the size of Sierra County (with a population of 12,000).

However, IMPLAN operates on a yearly basis because it uses a balanced accounting principle. The I/O model is also called an I/O account. Thus a certain input of capital by NMCC in any given year will produce value that results in a certain number of hirings that year. To arrive at the fabulous figure of 3,440 jobs, BLM ran the computer for each of 12 years. Each year the number of employees NMCC expected to have was entered into IMPLAN (the average was 287), and all the numbers entered were summed to give 3,440. Thus 3,440 jobs are really 287 jobs multiplied 12 times, and they are not even IMPLAN’s calculation but the data BLM entered. IMPLAN’s “employment” counts *job years* not jobs. While any economist would understand the need to use a time dependent notion of employment, the DEIS consistently misleads by confusing “jobs” with “job years” resulting in misstatements like “Alternative 2 would create almost 1,300 more direct jobs than would the Proposed Action; and almost 1,900 more direct, indirect, and induced jobs overall” (3-269). These claims are like thinking that a plumbing job that is estimated to need 10 man hours to complete will require a 10-man workforce. In addition to making IMPLAN numbers into smoke and mirrors, statements like the one just cited turn IMPLAN’s I/O model into a crystal ball.

A further problem with the use of IMPLAN in the DEIS is the time frame used for the study. The DEIS acknowledges (3-257) that copper mining is subject to copper price variations, but it refuses to take them into consideration. Thus it inputs into IMPLAN the completely improbable time frames of the Proposed Action and the two Alternatives. See my comment “Can and Will” for a discussion of that improbability. The resulting model calculated by

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<sup>7</sup> See Themac Resources Group (MAC), Cash Flow, on the TSXV Exchange website, [http://web.tmxmoney.com/financials.php?qm\\_symbol=MAC&type=CashFlow&rtype=A](http://web.tmxmoney.com/financials.php?qm_symbol=MAC&type=CashFlow&rtype=A)

IMPLAN can only be as improbable as the assumption that the mine can and will operate for 16, 11, or 12 years continuously. The last sentence of 3.22.2.3.5 says it all: "... the economic impacts of copper mining are still tied to the global price of copper and the potential interruption or termination of copper mining still exists; the magnitude of any potential collapse would therefore also be more severe" (3-270). The sentence is quietly hidden away at the end of the section on Direct Taxes, and its truth has generated no economic impact analysis.

The fact that IMPLAN estimates impact annually shows how distorting was BLM's decision to use a continuous time frame. If one thinks of mining as intermittent-- let us say for an example, that Alternative 2 runs every other year for 24 years-- then every year of positive employment is followed by a massive layoff. NMCC spends into the economy a certain sum the first year to hire 287 employees. The next year it withdraws that amount from the economy by reducing its expenditures by the same amount. Employment will that year fall by 287 jobs. Over 24 years, if we sum up job years, we will have in Sierra County a net employment of 0 job years, which are 0 jobs. Value Added to Sierra County's economy will probably be negative.

The impression that IMPLAN is misused and its results misinterpreted or misrepresented grows as one becomes familiar with the program through the company's (MIG) website, its Instruction Manual, the USDA's "Guidelines for Economic Impact Analysis with IMPLAN" (Technical Note 200-ECN-2, 12/5/2014; USDA wrote and developed the original IMPLAN programs in the 1970s), and other publically available academic explanations of IMPLAN. As with all computer modeling software, accuracy or even proper functioning depends on boundary conditions. The DEIS gives an account of "leakage" (3-257) but does not seem to recognize its significance. "Leakage" is the amount of economic value that leaves the region under study. Eventually, all of the value inputted into the region will leak out through the boundary ("Eventually these leakages would stop the cycle," 3-257). It is the cycling and recycling of economic value within the boundaries of the study which generate the "multipliers," the induced impacts (that is, the collateral effects of an insertion of value by the mine's activities into the region's economy).

Sierra County's economy occupies a very low rung on the ladder of manufactured value. It does not produce many things that are wanted elsewhere. Instead, Sierra County's money goes up the production ladder in exchange for things that others produce elsewhere. Sierra County is a consumer economy. It imports everything: clothes, food, most building materials, furniture, appliances, tools, cars and trucks, many kinds of medical services, education, etc. The principal exports are agricultural products and money. "Leakage," therefore, is very great, a veritable open pipeline, and so the cycling of value stops very quickly. One must assume that IMPLAN compensates for this situation in its algorithms. However, in the DEIS the BLM customized IMPLAN to fit the copper mining situation (3-259) and has used "national per-worker values for the copper mining industry."

Nationally, a great deal of cycling and recycling take place before values created by the workers leak out of the national boundaries. Applying such "multipliers" to Sierra County misuses the IMPLAN model. The statement applying the general notion of multipliers to Sierra County is a fantasy (3-260): "local retailers... recycle money within the local economy," No, Sierra County retailers mostly must buy goods from outside the county. Sierra County exports



cash, and that is one of the problems with its economy. Of course, a small part of County expenditures pay for wages that are spent in the county, but the larger part disappears almost instantly. Unwittingly, the DEIS states the error of its own methodology: "Purchases by NMCC and its employees outside of Sierra County are not represented here" (3-260).

This boundary problem with applying IMPLAN is exacerbated when one considers that most of NMCC's employees will be coming from outside the county (see Part VII, below). Will these workers drive 2 hours to work, work 8 hours, and look forward to driving another hour to go to Truth or Consequences to shop before the now 3 hour return drive over the mountains back to Silver City? Under the BLM's assumptions, on weekends, these Silver City residents will eschew Silver City merchants and drive over the mountains to shop in Truth or Consequences--the only place to shop in Sierra County. This fantasy is based on the erroneous assumption that 70% of the workers will live in Sierra County (3-260), whereas, NMCC clearly states (and BLM repeats) that 70% of the workers will commute 2 hours from 73 miles away. NMCC and BLM both say that is "local" yet refrain from saying that this is from within Sierra County, because they know that it is not. Only one locus of population exists 73 miles from Hillsboro and takes 2 hours to drive that distance: Silver City--which is outside Sierra County. Perhaps in Silver City the statement that "[t]here is a larger multiplier effect associated with the consumer spending of workers directly supported by mining operations" (3-260) actually applies. It certainly does not apply to Sierra County. This highlights another deficiency in the DEIS: it fails to take account of the larger cumulative impacts of the project by failing to address the direct, consequent and cumulative impacts of the Copper Flat Project upon areas in New Mexico outside Sierra County--and that applies to all reasonable environmental impacts, not just the socio-economic ones.

Central to the boundary problem is DEIS's selective application of the fundamental economic principle of circulation. This principle is invoked correctly in explaining the recycling value behind the notion of multipliers, even though the multipliers actually used seem exaggerated for Sierra County. But the circulation of value in the larger economy is either neglected or deliberately ignored. NMCC expects to input a large amount of capital into Sierra County (Tables 3-71, 3-78, 3-81). The reader might imagine that like water poured into a half-full glass, the amount of water (value) in the glass (Sierra County) is increased. IMPLAN is used to show that the pouring creates ripples and disturbances and activity in the glass. But following the principle of circulation, the authors should but do not consider where the input value comes from. It must be extracted from the larger economy, thus diminishing it. NMCC is not "creating" jobs because it did not "create" the initial value that pays for those jobs. There is simply a transfer of already created value and hypothetical jobs. IMPLAN cannot estimate whether that transfer is socially beneficial or detrimental.

Imagine a bath tub of water (the larger economy) at the bottom of which is the shot glass of Sierra County. NMCC dips a ladle of water out of the tub and pours it back into the tub, aiming at the submerged shot glass. The DEIS seems to claim that the water and the ripples all go into the glass, but it gives no evidence of it. Copper mining is an international business. The mill and its equipment that Quintana installed at Copper Flat in 1981 were sold and moved in 1986 to Papua New Guinea. Themac (NMCC) is a Canadian company, founded and owned almost entirely by an Australian family. NMCC plans on shipping the copper concentrate to Germany or Mexico for processing. The DEIS with all its fudging of boundaries in applying

IMPLAN gives no assurance that the County's natural resources of copper and water, forever irreparably and irretrievably lost to the County (in spite of the statement on 3-305 that the copper itself can be recycled and thus not lost) is a fair exchange for the ladle of water NMCC plans to pour back into the larger economy. This is a question of environmental justice not faced in the DEIS: that mining by the Proposed Action or by either Alternative might result in an unbalanced flow of value upwards and outwards, leaving Sierra County with no natural resources, relatively small economic benefits, and many potential problems, while the money flowed out of the region and out of the country.

BLM's ambiguity on boundaries is reflected in the confusion in customizing IMPLAN to fit the chosen region of impact, that is, Sierra County. Because copper mining is not an industry that IMPLAN recognizes in its database on Sierra County, the new industry algorithms are derived from national figures, and NMCC's expenditures of \$1.5 billion for Alternative 2 during operation (Table 3-81) are entered into IMPLAN and should result in a 1 to 1 Direct Effect shown in Table 3-82 (with taxes discounted).<sup>8</sup> Table 3-72 defines "Direct Impact" as "[t]he set of expenditures applied to the predictive model (i.e., I/O multipliers) for impact analysis (i.e., a \$10 million dollar order is a \$10 million dollar direct effect)." What can NMCC buy in Sierra County for \$10 million? The text acknowledges that most of NMCC's expenditures, like most its employees, will be out of County, yet these total expenditures for goods and for labor are entered into IMPLAN to be multiplied by multipliers to produce the "Indirect Effects" and the "Induced Effects." NMCC will import into Sierra County (using a foreign trade analogy built into IMPLAN) production materials of great value bought outside the region, and it will consume those supplies in producing copper ore concentrate. The value of that concentrate is shipped out of the County, exported as an output (an important IMPLAN category missing in the DEIS tables explaining IMPLAN results). Tables 3-75 and 3-79 show all of NMCC's costs besides taxes and "Labor Income" as "Value Added." But this is not value added to the County economy. It is the value of the copper concentrate with the workers' compensation taken out. It is the profit that goes out of the County along with the most of the costs of production that is spent elsewhere to buy supplies to import. The DEIS gives the impression that the boundary condition is transgressed. The reader cannot tell if this is a confusion in using IMPLAN or a confusion in explaining IMPLAN.

Table 3-72 further defines "Indirect Effects" as "[e]xpenditures within the study region on supplies, services, labor, and taxes" (emphasis added). This definition causes confusion. Are the 192 job years in Table 3-75, (only 11.3 actual jobs) the mine labor that NMCC intends to buy "within the study region" (as the definition says) or are they the non-mine job years IMPLAN estimates will be created out of the 2,165 job years that NMCC intends to buy, even though most of these are filled by employees from out of the study area? A similar confusion exists in the indirect employment numbers for the operational phases of Alternative 1 (168 job years or 15.3 jobs) and Alternative 2 (273 job years or 24.8 jobs).

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<sup>8</sup> In fact, the "Economic Activity" directly resulting from the \$1.5 billion expenditures is listed as \$1.7 billion in the Table. There are other discrepancies. The impact table for the operational phase of the Proposed Action (Table 3-75) shows 2,165 job years or 127 jobs on average, 75% of the workforce projected in Table 2-7, presumably Sierra County's portion of the workforce. But Tables 3-79 and 3-82, the impact tables for Alternatives 1 and 2, show a workforce over 100% of projections in Tables 2-18 and 2-26. No explanation is given for these different treatments nor for the shift in language from "Value Added" (Tables 3-75 and 3-79) to "Economic Activity" (Table 3-83).

If the indirect jobs are in fact generated by IMPLAN, there is a further problem. In the normal, uncustomized use of IMPLAN, the Indirect Effects are those that result from transactions between the industry studied and all the other industries in the area. Since, these transfers do not exist for copper mining in Sierra County they must be projected by using a national average, or they must be based on vague claims of intention.

Lastly, in Table 3-75 the “Employment” for “Induced Effect” is given as 985 job years, and that is defined in Table 3-72 as “[m]oney that is respent in the ROI as a result of spending from the indirect effect.” 11.3 workers are going to spend in 17 years their total income of about \$7 million to generate \$55 million worth of additional value for the County? It sounds like magic. That would suggest a multiplier factor of 8, a very extraordinary multiplier which normally is between 1.5 and 2.5. Rather it is more likely that the Induced Effect is the result of Direct as well as Indirect Effects, and BLM simply did not understand IMPLAN.<sup>9</sup> If it is that, then the 985 is based on employee spending outside the region and so inapplicable. It’s a mess either way.

The very small economic region that is Sierra County coupled with the introduction of a new industry gives IMPLAN, a data driven program, very little to work with statistically. As an example of the problem, imagine an economic region of study which has only a steel plant in it. Try modeling the effect of building a screw factory next door. All the workers commute. There are no stores. All value that is imported into the region is exported except for the physical plants. The only impact depends entirely on whether the screw factory buys its production material (steel) from the steel plant or imports it from outside the region. IMPLAN, not being based on economic surveys of the region, cannot know how much the new plant will buy from the old one and will have to use some national data to estimate it. The results would be totally unconvincing.

To evaluate properly the impacts of the Copper Flat Project, an alternative calculation is necessary. It must be based on the dollar value of water, that is, based on potable water having a necessary social and economic value measurable in dollars and cents.

## **V. Water Rights, Copper Flat Mine, and Sierra County’s Economic Growth**

Three facts about water will determine the long term economic future of Sierra County:

1. Water belongs to the people of New Mexico.
2. One gets the right to use water by putting it to a beneficial use, then that is perfected by continuous beneficial use and becomes a private property right, to sell or to pass on to others.

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<sup>9</sup> In this regard, the weaknesses in the use of models such as IMPLAN are starkly highlighted: models do not produce an economy--real people acting day-to-day in the real world do. Not only are such models susceptible to GIGO (“garbage-in-garbage-out”), but the way in which such models are interpreted are also susceptible to GIGO--and that is what is happening here with the BLM’s use of IMPLAN.

3. Beginning in 1982 the people in Sierra County and Doña Ana County claimed more rights than there was water, so except for special set-asides, there's been a freeze on granting water rights in this region. Water rights are limited, and one cannot use more water than one has rights to.

Whatever Sierra County may choose to do, the economic future is limited by these facts. The social and economic prospects of the people in this county are water dependent and also water rights dependent. Economic growth is limited, a fundamental fact unmentioned in this presumably thorough socioeconomic study.

Now there is a new "fact." NMCC claims to have discovered a new geological source of water. See 3.6. Modestly called "inferred paleochannel" on Fig. 3-9, it is aggressively entered as a quantified parameter into the computer modeling program in Table 3-18, and it brazenly appears in Figure 3-12 as a geological feature even though its straight north-south swath looks rather unnatural. The so called Palomas Graben could supply a great deal of water, over 7,000 acre feet a year--or over 2 billion gallons a year (2,000,000,000 gpy). NMCC wants the rights for all of it.

If that water is there, it belongs by law to the people of Sierra County, to use in the future for economic and social well-being, for development. Anyone could get rights to that water by using it beneficially. It is the future of Sierra County beyond the limitations Sierra County and the entire Lower Rio Grande Basin and Outlying Areas now live within.

The County in general is competing with NMCC and all other potential claimants for the rights to use this water. That should be clear to everyone, even if NMCC and BLM are careful not to say it in the DEIS, which is a major omission from that document.

The BLM says mining will bring the county 300 jobs for 12 years if NMCC gets the rights to that water. To a computer running IMPLAN, multiplying the actual jobs by the number of years and then by another "multiplier" as money circulates around and around the region, 300 jobs seem like economic development. However, given the 3 facts about water and water rights above, the trade seems more like economic stagnation.

Even though jobs are much more than dollars and cents, they have been turned into numbers in this DEIS. Here is a different conversion:

A gallon of water costs about \$1 at Walmart. So 2 billion gallons a year is \$2,000,000,000 every year, a market value. That is the value of the county's possible future economic growth if it uses the water properly. That value would pay for 20,000 permanent jobs with salaries of \$100,000 per year. If someone puts up a water bottling company, that would be the gross profit every year. If the county doesn't manage its water asset properly, let us say if the county gets only 1/10<sup>th</sup> of that value out of the water, the water value yearly would be \$200,000,000 or enough to pay for 2,000 permanent jobs paying annual salaries of \$100,000 each. Enter that into IMPLAN and see how much it comes up with after multiplying by multipliers and an infinite number of years. Should the county give this future economic growth to NMCC in exchange for the promise of 300 jobs paying much less and lasting only 12 years? That is the basic cumulative socioeconomic question the study on impact must address because

the impact of one is the negation of the other, yet that comparison is completely avoided in this study.

Since economic growth, like life itself, is not just talk and desire, but is founded on water, a possible 2,000 permanent slow growth jobs in Sierra County is better for a developing economy than a possible boom and bust 300 jobs for 12 years.

In addition, the water used at the mine is not allowed back into the ground to refill the aquifer, unlike the water we all use. NMCC will permanently deplete the groundwater and thus harm the economic possibilities of other users, which surely is another negative impact of mining whichever alternative is chosen and, again, one not considered in this DEIS.

As soon as NMCC starts hiring and mining, Sierra County is doomed to perpetual economic and social stagnation because operation will indicate that NMCC has ownership of the water rights that are so important to Sierra County. Subsequently, whenever copper prices are high enough to warrant mining, NMCC will provide a few dozen local workers jobs. At other times, when copper prices do not warrant mining, there will be no jobs and no water either because NMCC, not Sierra County, will have the right to use the water and have a future.

## **VI. Sins of Omission**

In spite of some excellent sentences on the problem of the volatility of mine hiring concluding Section 3.22.2.1.6 Community Cohesion and Quality of Life (3-266), those observations are not developed into a systematic and coherent economic and social analysis. Similarly, the study acknowledges (3-280) that mining's bust and boom economies generally produce alcoholism, drug addiction, and domestic violence, yet the study seems blasé about the needs for additional law enforcement, therapeutic services, social service, increased health services costs, and increased costs for special education services (as it is well known that these kinds of problems within domestic households are a direct cause of developmental disabilities in children which interfere with their abilities to function in the public school system) (3-263 and 3-264). Over and over again, negative impacts are described as vague, soft, interpretational possibilities or even said to be "controversial" (3-266) while the positive impacts are stated without prevarication in hard terms of cash, despite the patent fact from NMCC's own admissions that it plans to go in and out of business as copper prices dictate. Thus, the social and economic costs of the Proposed Action and the Alternatives are never projected in numerical details and dollar values in a way comparable to the projections of dollar benefits and jobs by IMPLAN. All these costs could be, but are not, put into a cost analysis so that the public can weigh the benefits against the costs. This is a specific and fatal failing of the DEIS: in terms of the socioeconomic analysis there is no adequate development of the complete direct, consequential and cumulative socioeconomic impacts of the Copper Flat Project--just the soft-peddling of the downside and extoling of the possible upside.

In a document of such extraordinary length (3 times the CEQ suggested limit on EISs for large, complex projects), this DEIS has a startling lack of specifics and details. For example, in

speaking of the impact on housing (3-263), we see no consideration of types of housing that might be needed: temporary places like motels, RV parks, short-term rentals during the construction phase as distinguished from more permanent housing during the operational phase. We see no consideration of prices relative to workers' salaries to determine if economically housing is possible. Or, relative to impacts on the school system (3-264), there seems no breakdown of incoming children by age groups, no estimate of the dollar costs to the schools for the influx of students, and since the influx is expected to over-burden the physical plant, no estimate of how much capital improvements for expanded capacity will cost (the study saying rather naively that new tax moneys would pay for the costs—really?). Similarly, impacts on the health system are not projected in quantifiable terms (hospital beds, etc.).

Even a fairly simple impact which the study acknowledges, (3-224) the necessary repavement of Hwy 152, is ignored as a cost to the public in the socioeconomic study. How does one explain these omissions?

The most significant omission, given the study's deliberately narrow focus on the economic benefits of jobs, is the BLM's refusal to even consider the significance of copper mining's instability. Mentioned as a fact in many places in this socioeconomic study and in the section on environmental justice, that fact still is ignored in projecting mining's impact. The probability that the NMCC will operate continuously for 11, 12, or 16 years is almost nil. See the analysis in our comment on the DEIS "Can and Will." Its operation will be intermittent, causing repeated crashes of the economy, throwing people out of work repeatedly, increasing the county's unemployment, weighing heavily on the welfare system over and over again, until NMCC, like 9 mining companies before it at Copper Flat, either abandons the project or falls into bankruptcy, both of which will have serious social repercussions for Sierra County, not to mention the counties that are home to the workers.

Such social impacts will be accompanied by unpaid bills and rents and other negative economic effects. Bankruptcy will mean that creditors, local businesses that sell services and materials to NMCC, will be unable to collect what is due them and be forced into losses, which also have a multiplier effect. Indeed, IMPLAN can be used to model the negative impacts of a negative economic action, and given the accepted fact that NMCC will most likely end in a negative economic action and that there probably will be several such negative events before final abandonment or bankruptcy, such a study would seem required in a global study of cumulative, consequential, and collateral impacts like the EIS.

## **VII. "Bait and Switch"?**

The public is led to believe throughout the socioeconomic impact study in the DEIS that the area of impact is Sierra County. All the description of the present economic and social status focusses on Sierra County, and in the description of future impacts, all the economic benefits are applied to Sierra County, jobs, indirect jobs, induced jobs, and the moneys that flow from such activities. The Region of Impact is defined as Sierra County (3-255). When socioeconomic data

outside the ROI is presented, the writers of the study insist that the ROI is Sierra County: “It should be noted that although Figure 3050 and Table 3087 present census data for a geographic area within [*sic*, in fact the Figure and Table show data outside the ROI for comparison with the ROI!] the ROI is still defined as Sierra County” (3-277).

However, BLM states that workers in the construction phase of operations will “typically commute up to 2 hours one way for a job, or an average of 73 miles and maximum of 115 miles one way” (3-263, with a reference citation which is not in the Bibliography). That average radius perfectly includes Silver City (Grant County), Deming (Luna County) and Las Cruces (Doña Ana County), and the maximum radius extends the area to Socorro (Socorro County). See any map of New Mexico with county demarcations, conveniently or inconveniently missing in this study. The mileage and the time of driving specifically identify the Silver City area. Moreover, “NMCC anticipates hiring over 70 percent of the workforce from communities within a 75-mile radius of the mine; some employees would commute from counties adjacent to Sierra County” (3-263), which includes Silver City, Deming, Las Cruces, so that the plural “counties” refers specifically to Grant, Luna, and Doña Ana Counties. Clearly, 70% of the workforce during either construction or operation will not be from Sierra County nor are they expected to be, and both NMCC and BLM know that.

The study carefully avoids directly stating the discrepancy between focusing on economic benefits to Sierra County and knowing that the economic impact will probably go elsewhere by using the word “local” suggestively: “NMCC anticipates hiring over 70 percent of the workforce from local communities” (3-257), where the word “local” deliberately suggests Sierra County because the word is weighted that way in the text. [“...direct and indirect impacts to the local (Sierra County) and State economies in terms of employment,” 3-257]. A lie is thereby avoided but the desired effect is achieved. When the study must actually speak of the fine economic benefits to Sierra County directly, it sets the benefits into a hypothetical frame: “If 70 percent of the Copper Flat employees live in Sierra County, the total wages and salaries would represent a maximum of 7.5 percent of total employee compensation in Sierra County...,” (3-260). Again, an untruth is avoided.

The economic impact of all those dollars will, therefore, not happen in Sierra County. Indeed, since 30% of the workforce will be from beyond Silver City and Las Cruces and Socorro and a large part of the other 70% will be coming from outside Sierra County, one might reasonably expect the economic impact projected by IMPLAN to be mostly dispersed beyond the ROI. The positive economic and social benefits of mining Copper Flat will not accrue to Sierra County. There is not the slightest evidence for the truth of statements like “Workers in Sierra County would experience a roughly \$230 million increase in labor income...or an average of \$13.5 million a year” (3-260).

It is likely that during construction more qualified workers will be found locally than during operation. If only 10% of the construction workers at the Spaceport came from Sierra County, it seems reasonable to assume that same percentage at Copper Flat. Operational workers at the mine from Sierra County, then, would be less than that, thus numbering in the teens for the Proposed Action and possibly as few as 20 for Alternative 2. BLM claims that NMCC will mitigate the problem by training, but, of course, the man power is simply not there to train.

Meanwhile, the DEIS speaks of “employment” in the thousands. And, people are swayed. Thus, at the EIS Hearing on Copper Flats held in Truth or Consequences, December 17, 2015, someone spoke favoring mine permitting because of the creation of a “thousand jobs.”

The study ignores all the negative impacts on Sierra County and instead applies all the supposed benefits in the larger region to Sierra County, baiting the local population with these benefits, while knowing full well that most of those hypothetical benefits will go elsewhere.

This process seems simply a classic Bait and Switch confidence game. The operation of a Bait and Switch on the people of Sierra County, its officials, and administrators violates NEPA’s own terms for environmental justice. And it is shameful.

## **VIII. Elephant in the Room**

Equally shameful is the Houdini trick of hiding an elephant in plain sight. Kevin Maloney, founder and owner of Themac Resources (NMCC), created his wealth building and managing “company towns” for workers at remote mining sites in Australia. He sold his company, The MAC Services, in 2010, but retained a position in the new company. The MAC Services has since consolidated and changed its name to CIVEO, which handles temporary accommodations in Australia, the USA, and Canada.<sup>10</sup> These company towns are fully serviced RV parks, with fully provided living quarters, food service, entertainment, bar, pizza parlor, gymnasium, store, etc. The likely possibility of NMCC using such a service was mentioned in the scoping sessions and has generated a short reply in the DEIS (3-263):

Current plans do not exist to develop nearby temporary housing. NMCC plans to keep the public and relevant parties informed about timing related to project milestones, and to rely on the market to fill the need.

A Copper Flat Village, then, remains a possibility, and that possibility confounds the implications of whatever numbers a properly run IMPLAN program might estimate. Direct effect in-county jobs might come close to 100% of NMCC hiring,<sup>11</sup> but all or most in-county indirect and induced moneys will go to Themac and CIVEO and out of the county. The indirect and induced jobs created will be filled by locals, but they will be minimum wage jobs.<sup>12</sup> Local merchants, RV parks, bars, restaurants, etc. will be cut off by a new competitor in the County. Yet, IMPLAN will show a lot of economic activity taking place in the county because Copper Flat Village will, indeed, be in Sierra County.

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<sup>10</sup> <http://civeo.com/lodges-villages/australia/kambalda-village/>.

<sup>11</sup> BLM already seems to think 100% of workers will be in-county residents for Alternatives 1 and 2: see footnote 1 above.

<sup>12</sup> In Table 3-82, Impacts of Operational Phase for Alternative 2, Induced Effect jobs are paying \$27,000 a year, salary and benefits, Indirect Effect jobs are paying salary and benefits of \$35,000 a year, while Direct Effect jobs, mining jobs, are calculated at \$106,000 a year.



## **IX. Conclusion**

The present socioeconomic section of the DEIS does not present an informed basis for a decision on permitting the mining of Copper Flat. It fails to present accurate facts. It misinterprets social and economic facts. It narrates a false description of the economic and social life of Sierra County. It fails to project the reasonable foreseeable impacts on the community. It omits many pertinent parameters of the socioeconomic effects of mining. It misuses computer modelling. It is biased. It gives the impression of deception. Before an irretrievable commitment of resources is made in the project, these faults of analysis must be remedied and the combined, cumulative impact on the socioeconomic life of Sierra County objectively studied.

## **Partial Pit Backfill Alternative**

### **Backfill Pit Lake**

At end of proposed action the surface of the pit lake will be at 4,900 feet above sea level and 200 ft deep (3-31), making the floor of the pit lake 4,700 feet or 700 feet lower than the present pit lake floor. The surface will be 35 to 50 feet lower than the present pit lake (3-21).

The DEIS discusses the possibility of rapidly filling the pit bottom with water in order to lessen acidification of the pit lake by submersion of the lower pit surfaces to prevent oxidation of exposed sulfites. The water needed for this rapid immersion is estimated to be about 2,800 acre feet, which is 122 million cubic feet [ $2800 \text{ af} \times 43560 \text{ cu. ft/af} = 122 \times 10^6 \text{ cu. ft.}$ ], the assumed volume of the pit lake.

If the waste rock pile is composed of crystalline rock with a density of about 2.75 g/cc (or 172 lb/cu. ft., the density of granite or dolomite), the volume of rock needed to backfill the pit lake volume would weigh 21 million tons.

Under Alternative 2, NMCC has the trucking capacity to haul at least 45,000 tons per day (30,000 tons of ore and 15,000 tons of waste rock and low grade ore under Alternative 2).

It will take about 466 days (16 months) to haul the 21 million tons of waste rock and backfill the pit to just below the groundwater level. It will take less time if some backfilling can be done during mining and even less if a more intense reclamation is performed. Then there is soil cover.

### **Argument**

Such an alternative is today common practice. For over 35 years all coal mines have been required to backfill under the Surface Mining Control and Reclamation Act. Since 2003 California requires all metallic mine pits to be backfilled and reclaimed to the original natural conditions. See the California State Mining and Geology Board's *Report on Backfilling of Open-Pit Metallic Mines in California, 2007-02*. The Environmental Impact Study for the proposed Rosemont Mine in Arizona has a 3-year Partial Backfill Alternative. Many studies of backfilling on the internet give technical information on water sealing backfills or using lined pits as waste dumps for partial fillings or the necessary modeling that allows predictions of the impacts to groundwater. See, for example, J.V. Parshley, R.J. Howell, and J. Ackerman, "Reclamation and Closure of Summer Camp Pit Lake, Nevada: A Case Study," 7<sup>th</sup> International Conference on Acid Rock Drainage, March, 2006 and published by American Society of Mining and Reclamation, with its thorough, comparative analysis of various alternatives for pit lake reclamation.

Backfilling the pit is also the preferred reclamation under Federal mining laws. A Plan of Operation must include plans for “[m]ine reclamation, including information on the feasibility of pit backfilling that details economic, environmental, and safety factors” [43 CFR 3809.401(b)(3)(iii)]. If the NMCC MPO does not give such details, the BLM should include such in its EIS.

There are, of course, site specific technical considerations, but these are within the purview of the EIS and should be taken up in a supplement. Here we suggest generally some issues of costs, mitigation, regulations, and comparative impacts on the environment.

Backfilling the pit lake may seem an expensive operation, but flooding the pit by 7 months of continuous pumping of well water (3-34), is also costly since 3.8 million tons of water has to be raised well over 1,500 feet and transported 8 miles. Should the cost of backfilling exceed the cost of pumping water, it will still be far less than the economic value of the water which will be permanently removed from the aquifer. Truth or Consequences, Williamsburg, and Hillsboro together use less than 2,000 af of water a year. The 2,800 af used to fill the pit lake represents lost revenues worth over \$100 million (in 2007 Truth or Consequences retail revenue was \$65 million and its accommodation and food services revenue was \$12 million [USBC Quickfacts]). Water is not free although water right holders treat it as such. The question for BLM then might be to select between a small cost to NMCC as opposed to a large cost to the public. We think the BLM should place primacy on the public welfare. Beyond the question of the cost of water, BLM needs to consider that in addition to the water usage, flooding and leaving a pit lake leads to the possibility of perpetual management of the pit lake water. That water will tend to increase in acidity over time because of run-off from the pit walls and concentration by evaporation, and therefore the pit lake may need chemical treatment regularly.

Further, the use of water in this manner might violate New Mexico water law (which requires conservation of water) since it does not promote general economic welfare. It is not even clear that such a use of water is within the state’s understanding of “beneficial use,” the defining factor in determining water rights in New Mexico. There are cases where certain uses of water in mining, for example the use of water to transport sand and gravel, have been ruled by the courts to be wasteful and thus not a beneficial use and thus falling outside the right to use water. Since backfilling the pit lake with waste rock is a viable alternative to flooding the pit, the OSE or the courts might consider the water not beneficially used.

Backfilling has the advantage of mitigating all pit lake impacts resulting from a big open body of polluted water below groundwater level, possibly polluting the aquifer, causing a danger to man and beast and needing perpetual fencing and maintenance. The projected future pit lake has many problems, many stemming from the fact that its characteristics are based on the characteristics of the present pit lake which are themselves not certain.

First, the geology of the pit lake is uncertain because it is fractured crystalline rock which is crossed by several faults. See P.G. Dunn’s two separate articles, “Development Geology of the Copper Flat Porphyry Copper Deposit,” in *Mining Engineering Handbook* (SME, 1992) and “Geology of the Copper Flat Porphyry Copper Deposit,” in *Advances in the Geology of Porphyry*

*Copper Deposits* (Univ. of Arizona Press, 1982). This geology makes the hydrology around the pit lake equally uncertain, especially relative to the question of saturation, which is essential in analyzing the problem of solute transport. Dunn reported the presence of slush and breccia in one of the faults, so that water seems to have been locally saturated in places which are now either unsaturated or devoid of water, since more recent studies have found no water in the faults [personal communication from M.A. Jones]. It seems, then, that the heterogeneous, anisotropic hydrostratigraphy results in possible compartmentalized presence of water.

Given this geology, the number of wells near the present pit lake (five according to Figure 3-19) seems inadequate to establish the present pit lake as an “evaporative sink,” especially since the wells are located at the outer edge of the pit and not very close to the pit lake (certainly more than 75 feet which is required for monitoring wells near other impoundments). Moreover, monitoring at these wells seems to have been done only once: “Measurements of monitoring well water levels presented in the baseline report (Intera 2012) show that groundwater was flowing into the pit lake in fall of 2011” (p. 3-21). This single set of measurements cannot support the following conclusion: “In general, it is thought that groundwater flows into the pit lake throughout the year and is subsequently evaporated, creating an evaporative sink or “terminal lake” (p. 3-21). Note further that these conclusions are being drawn from data gathered during extreme drought, which means the precipitation and run-offs are minimal relative to evaporation.

The designation of the pit lake as an evaporative sink where inflow into the lake is entirely evaporated out, so that no water is lost into the groundwater is entirely dependent on setting the inflow (whose quantity is entirely conjectural) to equal the evaporation minus the average precipitation and run-off. Thus, the groundwater inflow into the pit lake is variously given through the text as around 22 or sometimes 24 gpm. Ignored is the Quintana estimate of 50-75 gpm (p. 2-9), which is three times as much water and would mean that pit lake water is sometimes flowing into groundwater, so that the pit lake is not an evaporative sink but in a “flow-through” situation. Even if the lower inflow number is viable for the present pit lake, it seems unreasonable applied to a body of water many times the size of the present pit lake.

The issue here is pollution, and it seems too simplistic an account of what might be happening underground to imagine that pollution from the pit lake is not entering groundwater. Even if the pit lake were an evaporative sink, at moments, such as during a heavy downpour, the level of the lake would rise above the balanced level resulting in a general, though temporary, pressure gradient out of the pit. If that is possible, then the 22 gpm inflow rate is simply an overall average and doesn’t indicate the absence of bi-directional communication between groundwater and the pit lake.

Further, chemical solute transport is not necessarily only a matter of water flow. Especially in unsaturated conditions and especially in fractured rock, solute transport is dependent on complex electromagnetic molecular forces both between the solute chemicals and the water molecules and between the solute chemicals and the chemical makeup of the material through which the solute travels, that is, surface tension forces. This is to say that Darcy’s equation in which non-gravitational forces are summed up in the constants of conductivity may

be inadequate to describe what happens in either an unsaturated situation (vadose zone) or in fractured rocks.

If these problems exist in the hydrologic characterization of the present pit lake, projecting this characterization onto the future pit lake, whose bottom is 700 feet lower, where the geology is more uncertain, gives little that can be used to base decisions on. The ground will have gone through more than a decade of blasting that surely will have created myriad fractures. How deep these will penetrate into the rock is entirely uncertain.

The DEIS states that

NMAC 20.6.7.33(D) requires that the pit lakes in which evaporation from the surface of the open pit water body is expected to exceed the water inflow shall be considered hydrologic evaporative sinks.... [p. 3-22]

This statement is wrong. The new copper mining regulations (NMAC 20.6.7) do not “require” the designation of the pit lake under the given conditions be an evaporative sink. The regulations stipulate such a designation only within a defined “area of hydrologic containment” which is delineated by “a monitor well network installation plan” [NMAC 20.6.7.28.B (4)]. The wells used for monitoring do not satisfy the requirements for this network of monitoring wells. The wells used seem to be old monitoring wells installed by Quintana. They do not apply to these new regulations. And, if applicable, it is unclear whether the terminology is being applied to the present or future pit lake, the two being confused throughout this paragraph which ends by claiming that NMAC 20.6.2.3103 water quality standards do not apply to the present pit lake when the discussion has been about the future pit lake.

The new copper mining regulations imagine the area of hydrologic containment at the pit as an artificial method of achieving a natural evaporative sink. Should the monitoring wells network show that pollution is reaching groundwater, pumping wells surrounding the pit would pump the water back into the pit area thus achieving the effect of an evaporative sink. This artificial “evaporative sink” may violate federal Water Pollution Control Act standards, and since BLM is invoking the terms of the new copper mining rule, it should discuss the topic thoroughly, including whether an artificial evaporative sink which allows pollution of groundwater but contains that pollution is permissible under federal law.

It is true that if the future pit lake were an evaporative sink, it might, initially prevent pit lake pollution entering the groundwater, but over time, the lake will increase its acidity until the concentration will itself force a transport into groundwater. Does that eventuality mean that NMCC’s reclamation will have to go on permanently, that electricity and pumps and wells would have to be on hand to pump the polluted groundwater back into the pit lake forever?

It is also true that if the future pit lake were an evaporative sink, backfilling it with waste rock might create a “flow-through” (as defined by NMAC 20.6.7.33) since the evaporation would be greatly reduced. However, this can be prevented by a partial backfilling that leaves a shallow pit lake with a large evaporative surface. In fact, a very shallow marshland with the proper plantings would remove sulfate ions and neutralize the acidity through a

microbial/chemical process. Whether an actual flow-through would be created depends on climatic conditions, and these must take into consideration the effects of climate change in this locality.

Apart from the issue of pollution, the future pit lake will result in another harmful impact which is much more certain. As an evaporative sink, it will be a permanent drain of water from both surface water (because it captures precipitation that normally would feed the surface water system) and groundwater (since the pit opens up the aquifer to evaporation). The amount of water thus removed from New Mexico's water resource reasonably will be much more than the 22 gpm inflow rate into the present pit lake since the future pit lake will be 700 feet deeper into the aquifer and present a much larger evaporative surface. This irretrievable and irreversible waste of water should not be condoned by the BLM and should not be allowed by the OSE, especially when there is a viable alternative.

The problems with the pit lake have simply not been thoroughly studied nor has the future pit lake been properly modeled for this DEIS. Therefore, insufficient data have been gathered to consider the viability of a partial backfill alternative. What has been done seems based on rules of thumb and a propensity to take risks rather than conservatively assessing them.

The pit lake is not the only difficult problem. In the reclamation, the pit walls are left with slopes too steep to hold vegetation; thus the pit might not be reclaimed leaving it an erosion hazard. With the bottom of the pit raised, the pit walls could be contoured to a reasonable slope that will hold vegetation and prevent soil erosion. Again, this alternative requires some simple calculations, but they need to be done. The advantage of reclaiming the pit walls in this way for plant life, wildlife and humans is obvious.

Another difficult problem which backfilling the pit lake partially solves is the enormous piles of acid producing waste rock challenging the natural Animas hills in size. Using some of this material certainly would reduce their impacts on the environment. This procedure is suggested by the DEIS itself:

Although the majority of the exposed highwalls are expected to contain rocks with relatively low potential for acid generation...several rock units have relative higher potential to generate acid...exposures of these rock units that remain...may be mitigated by selective excavation using cast blasting or other approaches and placement into the base of the pit. [p. 3-35]

When a private individual has a septic tank or a leach field installed, he is not left at the end of the project with big dirt piles and large holes in the ground. No property owner would allow such practices, and BLM as manager of public lands should also not condone leaving the piles and the holes while dealing only with problems of pollution. Backfilling is not even "best practice management," but is standard practice in all the professions except metal mining. Reclamation by BLM standards means returning the land to something more than "open space" but to some functional and usable and preferably initial condition, a beneficial habitat for man and beast. The land should be left in a condition for alternate uses beneficial for the society.

## **Backfilling the pit lake is a requirement of NM mining laws**

The Natural Resources and Wildlife Non-Coal Mining New Mining Operations issued by the NM Mining Commission states at 19.10.1.7.I.3 NMAC, “*Impoundment* means a basin constructed for the retention of water or sediment, but does not include impoundments for process solutions or tailings.” The pit lake, therefore, is an impoundment. And, “When no longer required, impoundments shall be graded to achieve positive drainage...”(19.10.6.603.C.6.b NMAC). There are 3 exceptions to this general requirement, but the normal procedure is to backfill and contour for drainage.

Further, 19.10.6.603.C.4 NMAC specifies that preferably “reclamation shall result in a hydrologic balance similar to pre-mining conditions” which might not be achievable without backfilling the pit lake. We think “pre-mining” means before mining not before this round of mining. Any other reading would allow repeatedly increasing degradation of the land, which cannot be the meaning of “reclamation.”

## **Conclusion**

It is clear, therefore, that backfilling the pit lake should be seriously considered in the proposed action and in either of the alternatives because it is the preferred method of reclamation, because it is feasible, because it will lessen environmental impact, and because state regulations, which in this case are more strict than the federal rules, require it.

## **The John I. Hallett Placer Mining Heritage Site, Gold Dust, New Mexico**

John I. Hallett owned and operated a placer operation located within the Copper Flat area of potential effect between 1931 and 1943. He functioned as the John I. Hallett Construction Company and also as the Placer Syndicate Mining Company.<sup>13</sup>

Hallett's operation was the single most productive placer mine in New Mexico during the whole 20<sup>th</sup> century. See, P.G. Dunn, "Development geology of the Copper Flat porphyry copper deposit, Case study," in *SME Mining Engineering Handbook*: Littleton, Colo., Society for Mining, Metallurgy, and Exploration, Inc., 1992, citing M.G. Johnson, "Placer Gold Deposits of New Mexico," Bulletin 1348, USGS, 1972. Describing Quintana's preparation for mining Copper Flat in 1982, Dunn writes:

The third phase was the most extensive aspect of the nonmineral program, and involved a placer evaluation of the tailings area. BLM was particularly interested in this phase because the area coincided with a pre-World War II gold operation that had been the most productive placer in the state during this century (Johnson, 1972). The examination was directed by a consultant recommended by BLM.

That Dunn and Johnson were speaking of the Hallett operation is confirmed by state mining records.

From E.H. Wells and T. P. Wootton, *Gold Mining and Gold Deposits in New Mexico*, Circular No. 5, New Mexico School of Mines, State Bureau of Mines and Mineral Resources, April, 1932 (rev. 1940):

In recent years considerable attention has been directed to placers in the Hillsboro district by several companies, the successful of which has been the John I. Hallett Construction Co. Since 1934, this company has been the chief producer of the district. The company operates two draglines and recovers the gold in a Coulter-Ainlay four-bowl plant [centrifugal separator] mounted on wheels. Water is obtained from wells.

And, Chas. W. Henderson and A.J. Martin, "Gold, Silver, Copper, Lead, and Zinc in New Mexico: Mine Report" in *Mineral Yearbook*, 1940, p. 402: "In yardage handled at placer mines, the John I. Hallett Construction Co. in the Hillsboro district Sierra County ranked first...." That year Sierra County produce 2,000 oz. of gold compared to second place Santa Fe County's 700 oz. John Hallett probably accounted for at least half of that.

Hallett accomplished this in spite of the scarcity of water in the area noted by Wells and Wootton:

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<sup>13</sup> John Hallett is identified as the Placer Syndicate Mining Company in an affidavit by James McCants dated November 9, 1983, in reference to the Greer Windmill Well, LRG 4562-S-4, on file with the NM Office of the State Engineer Declaration file LRG 4562 152711.



The total amount of gold in these gravels is undoubtedly large, but most of the ground is low grade. Here, again, the water situation is serious. Several wells have been drilled and at least one was dug. Little information is at hand as to the quantity of water.

According to G.T. Harley (*Geology and Ore Deposits of Sierra County*, 1934), the workings at the Gold Dust placers, south of the Luxemburg placers, at the head of Grayback Gulch, in the Copper Flat APE, were carried out by the Placer Syndicate, that is, John Hallett. The company “constructed a 4,000,000 gallon reservoir between Dutch and Grayback gulches, and has installed a 5/8 yard portable shovel, a washing and treating machine mounted on a tractor and consisting of a trammel, four 36-inch Ainlay bowls, and a stacker belt, with a capacity of 1,000 cubic yards a day.” (p. 168, Harley)

The reservoir and dam apparently were used by Quintana for their tailings storage area because the wells that Hallett used, presently identified in the NMOSE files as LRG 4562 S-4 through LRG 4562 S-8, are all grouped just below and to the side of the existing tailings dam. We know this because of the affidavits of Bill Hall (1909-1990), who worked for Hallett when he was in his 20s.<sup>14</sup>

The five low production wells were pumped continuously into the reservoir thus allowing the maximum amount of water for a continuous operation. It was a resourceful and clever solution to an apparently insoluble problem.

The physical elements of Hallett’s operation are still in place, but the Proposed Action and the Alternatives all intend to bulldoze the whole area in an expansion of the tailings area. The dam and at least 3 of the wells will be destroyed. Thus, BLM is proposing to demolish the single most important historical site for placer mining in the state. Since the dam and the wells are earthworks and immovable objects, the only mitigation that would preserve these cultural resources is to change the TSF plans.

Although the DEIS recognizes the importance of mining to the area’s historical culture (3-168), its discussion and dismissal of a historical district (because the “district” encompasses an area larger than the APE and thus is beyond the requirements of the NEPA) is completely wrong. Although load mining of significance was conducted outside the APE, the John I. Hallett site is the most important placer site in New Mexico, and it is located at the very center of the APE and thus within the auspices of the EIS.

Under NHPA, a federal agency must make a reasonable and good faith effort to identify historic properties, 36 C.F.R. § 800.4(b); determine whether identified properties are eligible for listing on the National Register based on criteria in 36 C.F.R. § 60.4; assess the effects of the undertaking on any eligible historic properties found, 36 C.F.R. §§ 800.4(c), 800.5, 800.9(a);

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<sup>14</sup> Bill Hall’s affidavits identifying the 5 wells Hallett used are found in the NMOSE files for LRG 4652-S-4 through 4652-S-8, formerly known respectively as Greer Windmill, McCravey-Grayback, McCravey-Dutch Gulch, Irwin Well (South), and GWQ-7 (North). The file numbers, respectively, are LRG 4652: 152711, 152714, 152715, 152719, and 152722. The locations of these wells relative to the former tailings impoundment can be seen on the map Figure A 3-2, Water Quality Tailings Impoundment STIFF Diagram, *Copper Flat Project, Draft Environmental Impact Statement*, BLM, February, 1996.

determine whether the effect will be adverse, *36 C.F.R. §§ 800.5(c), 800.9(b)*; and avoid or mitigate any adverse effects, *36 C.F.R. §§ 800.8(e), 800.9(c)*. The BLM must confer with the State Historic Preservation Officer ("SHPO") and seek the approval of the Advisory Council on Historic Preservation ("Council").

**Conclusion:** BLM must determine the suitability of the John I. Hallett Placer Mining Heritage Site in Gold Dust, NM for designation as a National Historical Site before irreparable and irretrievable damage is done to the site and part of the culture of New Mexico mining disappears under NMCC's tailings pond. Furthermore, if the site is to be preserved, it must be properly reclaimed since the area is polluting groundwater from the tailings covered and left on site by Quintana in 1987. A long series of correspondence between NM Environment Department, the BLM, and various owners of the Copper Flat mine site, including NMCC, documents and details the plume of pollution at the site. Mitigation is essential as is preservation.

**Ennis, David, EMNRD**

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**From:** Eunice Kent <mayor@cityofelephantbutte.com>  
**Sent:** Monday, October 29, 2018 2:34 PM  
**To:** EMNRD-MMD.Director  
**Subject:** [EXT] Comments for the New Mining Operations Permit Hearing  
**Attachments:** 18.10.23 Statement City Elephant Butte NM MMD New Mine Copper Flat Mine Permit.docx

Director,

Attached to this email is a document provided as public comment from me as Mayor of the City of Elephant Butte. Our comments are in support of the permit process for the Copper Flat Permit Application. I apologize I am not able to attend the hearings due to a scheduling conflict. If you have questions, please call the City office at 575 744-4892.

Sincerely,

Eunice Kent

Mayor – City of Elephant Butte

## Statement for the City of Elephant Butte for the New Mexico Mining and Minerals Division

for the

### Copper Flat Mine Project New Mine Permit SI027RN

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The City of Elephant Butte became New Mexico's 101<sup>st</sup> incorporated community in July 1998, and is home of about 1,500 full time residents, and hosts as many as 100,000 on key summer holidays that visit New Mexico's largest lake, Elephant Butte Reservoir. In the City's 20 years of existence, we have striven to develop a friendly, safe and diverse community that is open to tourism and a comfortable retirement environment.

As with much of New Mexico, particularly Sierra County and other rural New Mexico counties, maintaining a sustainable City infrastructure has been challenging since our inception, with poor economic conditions state-wide, and a lack of good paying, full-time jobs in Sierra County. With much of our county being Federally-owned, and other large private land holdings, the opportunities for economic development are constrained and challenging.

While we remain hopeful that Spaceport will someday soon develop and provide the economic stimulus that we have been waiting for since its official opening in 2011, this has not yet happened on a scale that has much effect on our economy.

In addition, the drought plaguing New Mexico over the past years, as well as political pressures to provide more and more water to the Mesilla Valley for increased agricultural acreages, as well as to the more water in the Rio Grande River system to the State of Texas and to Mexico, Elephant Butte Lake is currently only about 3% of its holding capacity, a reduction from 12% at this same time in 2017. If we don't have significant precipitation in 2018/2019, will there be any water in Elephant Butte Lake? This has resulted in fewer visitations to Sierra County and Elephant Butte than virtually any year in our City's existence. This of course increases pressure on our local businesses, and we have seen some of them closing their doors.

While some opportunities can be developed in a variety of geographic locations, a Mineral Deposit must be developed where it occurs. You cannot relocate Ore Bodies.

The Copper Flat Mine Project offers a unique and valuable opportunity to the City of Elephant Butte, to Sierra County and to the State of New Mexico. The Copper Flat Project job opportunities are the kind that communities can build on. Currently, we lose many of our young, bright high school graduates, leaving our communities to education and job opportunities that are not available here. Copper Flat will provide nearly 300 full-time jobs, many of which will be entry level or well suited to many of our local skilled individuals that can operate heavy equipment, drive trucks, work as accountants, engineers, human resource specialists, Safety Professionals, Environmental Professionals, and many, many other opportunities.

These people will live in our communities, and spend their good paychecks on their daily family needs such as food, clothing, vehicles, gasoline and diesel, on an on. They will also pay Federal and State taxes; as well as contribute significantly to the Gross Receipts Taxes that our local municipal and county governments rely on to provide services to our communities. In addition, a significant increase of well-paid, full-time employees living in Sierra County from the Copper Flat Mine will increase tourism revenues along with all other forms of retail, wholesale and governmental revenues.

Like a city or a county or even a state, when a major project is needed, it must be designed and built by qualified professionals. So too does a mining company like New Mexico Copper Corporation (NMCC). NMCC has engaged an impressive assemblage of Professional, Licensed and Experienced Engineers,

Hydrologists, Metallurgist's, and others to develop the plans for the proposed facilities, reclamation of the Copper Flat Mine Project. Once approved for construction, there will be many opportunities for our local construction companies to play a role in the construction and development of the Copper Flat Mine Project.

Our city, our county and our state all need the Copper Flat Mine Project! The company has done its part, has professionally waded through the myriad of requirements, hired the best they can source to design the facilities so that they will be protective of the Environment during operations and well into the future.....something that was considered in the past. They will also post a significant Bond to assure that the operation and infrastructure is protective during operations and in the future.

We must seize this opportunity for our residents, our communities and for our future. What else to do we have to support our future? Our lake may never reach levels that it has in the past? Spaceport is a great opportunity, but when will it happen for Sierra County?

Without the Copper Flat Mine Project, our future and sustainability of our communities will be a difficult and challenging at best.

The City of Elephant Butte needs and supports the approval of the New Mine Operations and Reclamation Permit for the Copper Flat Mine Project, and encourages the New Mexico Environment Department to complete their analysis and issue this permit as soon as possible!

Paul Tooley  
916 Yucca Street  
Truth or Consequences, NM 87901  
(575) 740-1640

I was born, raised, and a lifelong resident of Sierra County. I served on the Truth or Consequences Municipal School Board for 16 years. I am currently on the Truth or Consequences Fire Department and have served for 32 years and currently hold the position of Fire Chief. I am employed by Sierra County as the Emergency Services Administrator. As a first responder I understand the need for safety regulations, inspections and education. I believe THEMAC Resource Group has done everything possible to meet the requirements needed to open the mine. I support the position of the Copper Flat Mine Project. This will be a huge economic benefit for all of Sierra County.

**in the matter of S 1027 Copper Flat Mine**

I am Nolan Winkler and an artist living in Hillsboro now for over 25 years. Currently I am also the Vice President of the Hillsboro Mutual Domestic Water Consumer's Association.

I strongly believe that the mine's claims for more than 7,000 acre feet of water annually would seriously damage Sierra County and those along the Rio Grande south of us. This 7,000 acre feet of water usage is enough for the annual needs of more than 25,000 residents! Also, our county is in a major drought and has been for years and is expected to continue. Giving the mine access to 7,000 acre feet of water per year would seriously drain and damage the water and farming supplies in Hillsboro and Kingston, Animas Creek, Arrey, Garfield, Hatch and other communities south along the Rio Grande, Texas and Mexico. Pollution and lack of water kills. The amount of jobs available to local residents is not worth the risk.

7,000 acre feet annually would damage the inflow to the Rio Grande and affect the interstate compact agreement with Texas, which is now under litigation.

Besides water, there is the possible and probable issue of pollution to ground water surrounding the mine and on down and into the Rio Grande. I do not think this is a good solution for local jobs, our environment or, simply, our lives. New Mexico deserves more than to have an out of country corporation, the second one, I believe, trying to reopen this mine, coming in to pollute our water and lives for their profit.

I also hear that the next country possibly interested in purchasing the mine from the current Australian based corporation is China. I urge those with the power, to deny this reopening of a questionable mine, at best.

Thank you for the opportunity to speak,



M. Nolan Winkler

P.O.Box 221, 10822 Hwy. 152

Hillsboro, NM 88041

24 October 2018

At the Discharge Permit meeting I spoke of it being premature to grant that permit. I would say the same thing here. Until the mine has water and all they need in place, and until NM's issues w/ TX has been litigated, our water is too precious to grant to this endeavor.

To mine or not to mine, that is the question.

Is it nobler to leave the copper in the ground since "any extraction is an insult to the earth?" Or is the problem of poverty in Sierra County more important??? The logic is:

- 1) our county is one of the poorest in the whole US; we need jobs.
- 2) the mine offers jobs & the assurance there will be no bad environmental impacts.

Therefore, we should start the mine immediately. Let's get the Boom Prosperity going immediately.

The mine presents unique & compelling evidence that they will not discharge pollution:

- 1) the ore body is surrounded by impervious, volcanic bed rock.
- 2) the mine that operated 40 years ago has very limited pollution & that is contained. It is not spreading to the Rio Grande water shed.

Therefore the mine is perfectly safe: trust us; we have jobs. *for 12 years*

The Ranches & the EBID present information that the above data does not look at the big picture.

- 1) The Mine's data assumes that the scientists have explored ALL of the possibilities where pollution might be leaking. Nature does present anomalies; what if the engineers are not putting their probes/test wells in the right spot??? There is more pollution but hasn't been found?
- 2) The data presented by the mine doesn't include all the man-made errors that are common in this massive industrial project. There are 14-plus years where alert, conscientious & ethical decisions will have to be made by the miners. History clearly shows that disasters happen.

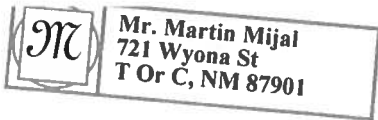
3) Another factor to consider is the shocks to the volcanic bed rock from the mining operations. The 1980 mine removed 1.1M Tons of material in 3 months. The new mine plans to go about 780' deeper & remove 100M tons in the 12 years of mining. This will be accomplished by about 3 blastings per week for the 12 year production phase of the mine. So the math is: 52 weeks a year x 12 years x 3x a week which = 1,872 blasts. All this causes lots of shock & vibration. The mine explosive experts are well aware of this & their expertise is to minimize the concussion in the pit & especially not weaken the pit walls.

My concern is that in the real world some of this shock/vibration will effect the bed rock. Any small cracks will get larger & new cracks can occur. While it is true that this bed rock is impervious; it DOES have a water table which means fissures/cracks. Over the eons there could have been a series of the volcanic material; each one resting on top of the lower one. Where the new hot one met the old, there is a welded seam & this could be a potential crack with the 12 years & 1,872 shocks/concussions. I think it is probable that the blast vibration over the 12 years will exacerbate any weaknesses in the bed rock & cause cracks which means the mine pollution gets into our invaluable water shed. The 1980's mine did not blast long enough to encounter this problem.

Water & pollution love to disperse. These cracks could link to the Animas Creek watershed & the adjacent ecological areas as well as the Rio Grande watershed. All of these potential links are not visible now. When we notice that there is a pollution leak it'll be too late to stop it.

4) The plan is that after 14 years the mine will be out of ore & then its time to restore the mine site to be pristine & safe for cattle & wildlife. The mine feels 25 years is plenty of time & energy & money to devote to this remediation & they will be done. Let's imagine being 100 years into the future. The mine tells us that in the year 2130 we will see the old mine site without any damage or erosion. They promise their well-designed & well constructed dams & drainages are perfectly intact despite 100 years of nature's violent monsoons, high winds, flash floods, & seismic events. They feel confident that their





300' high dam holding back toxic tailings next to the Greyback Arroyo is still sound. Earthen dams are marvelous structures....

Let's imagine returning 200 years after the mine remediation. The mine insists that we will truly be amazed that their conscientious work is still intact. Usually man-made structures do not have a long life without consistent maintenance.

We know the dessert is the most changeable eco-region on the planet. There is scarce vegetation therefore minimal roots to hold sand/earth/rocks in place. This is a fantasy the mine is telling us. Nature loves to disperse & scatter which is not good in the case of the toxic mine tailings. What will this site look like in 300 years?? The mine claims no maintenance is needed. I can't believe it will be pristine for cattle & wildlife.

It is interesting to me that this mine has 2 ecological ranches as neighbors. There are not many ecological, pristine, enhanced beautiful spots in our eco-region & here we have 2!!! Both neighbors restore wild life. You have heard that mule deer are at ½ the 1980 population. The reason is common: loss of habitat. The Hillsboro Pitchfork Ranch is deemed a "nursery." Imagine fawn twins being common. This shows an environment where these creatures are thriving. This is a precious & unique area.

It seems mule deer are conservative: they do not respond well to man-made industrial scale insults. Why jeopardize this rare & precious area?? We have seen the slides of the Animas creek oasis & the thriving deer families at the stock tank. These are Sierra County treasures.

I was surprised to learn that our county benefits greatly from hunting. There are 56 jobs that pay \$1,192,127. These special ranch areas are already pristine & vulnerable. They have already been improved & are sustainable if not interfered with by the mine.

There is an old story about 2 brothers. Naturally the eldest inherits his father's legacy. The eldest is a hunter & returns after a long, active day & is starving! The younger brother has some delicious lentil stew (which I think his mom made for him.) The older brother naturally says "Let me have your food!" The younger brother (perhaps being cruel & greedy) says "sell me your birthright for this mess of pottage." The eldest says "Bah! What good is my inheritance when I'm starving to death??" And that is how Jacob became one of the 3 patriarchs of the Chosen People of God.

Unfortunately Sierra County is desperate like the eldest brother. Is the younger brother, Jacob, an exploiter & con-man? We went for the prosperity & jobs of the Space Center. Even taxing ourselves extra to subsidize the Branson Billionaire. We were excited about the NASCAR prosperity. There was also a magnificent proposal from some Floridians to bring new housing & factories to the T or C area & this is equally a fantasy. We are so desperate that we gladly exploit ourselves for jobs that don't come. We are vulnerable to con-men because we feel their jobs will be real.

This mine may be the most feasible source of 15 years of jobs. Yet our precious birthright of this prime nature is at high risk.

Another factor is that I think opening the mine is premature. Technology is developing at a dizzying rate. The current copper extraction is extremely crude: Blow it up, crush & grind it up, mix it with invaluable dessert water, etc. We are on the cusp of learning how to get the metals out without all the damage that is now used. This is also a win for the mine. They own the site & if it is opened in the future with less damage the price of metals will probably also be higher. The future technologies will extract them with precision & elegance.

↓ (over)

**Good evening, I am Nichole Trushell of Kingston.** I am a biologist and have lived in the southwest all of my life.

As a resident of Kingston, you might wonder why I am concerned -- this project is not located in my *backyard*. I care because if the new **Copper Flat Mine Operation Permit** is granted, wheels will be in motion for stunning quantities of un-reclaimable water to be used, for toxic chemicals to be released from the soils, and for life-supporting waterways to be threatened. Groundwater would likely be impacted, as would Animas Creek, a unique, perennial, ribbon of LIFE running from the Black Range through our dry landscape. The lives and farms of local people, many of whom have lived in along the Animas for decades, could be irreparably damaged. And, of course, the Animas flows into the Rio Grande.

Deciding in favor of this permit is wrong, key reasons for me:

**1. The toxicity of the massive amount of waste material and its permanence.** Serious questions: How can long term management of the liner be assured? Who truly understands the effects of the underlying geology? Who will monitor this area and the potential for devastating contamination for generations to come? Who monitors it now? Where are those reports? Who will respond when system failures occur? Who will pay for long term care?

**2. The monumental use and toxification of precious water.** The amounts of water proposed for operational needs are preposterous in a dry environment. I noted that a figure of 2.3 BILLION gallons of water was requested by NMCC for yearly operations. Unlike municipal water, this water will never directly recharge our groundwater – it cannot. Let's quickly calculate: If an average personal water use is say 125 gallons of water a day, this amount of water alone would supply a city of 50,000 people for a year!

**3. The economic benefit is very short term and questionable at best.** I hear many speak of jobs, jobs, jobs as a benefit. We know the difficulty of making of living in Sierra County. My husband drives long distances to make his business work. However, a plan that takes water and ultimately jobs of farmers and a successful tree producing business, as well as tourism opportunities of *your neighbors* cannot be a just solution to the struggling economy of Sierra County. Jobs promised are intermittent, short-term and from my understanding many are already promised to the Jicarilla Apaches. The job argument feels like a con – certainly given the fact that the real economic benefit is to a FOREIGN company, not to New Mexicans.

**In closing:**

Allowing this project is a decision with effects long into the future – stunningly negative effects. If any of you have precious family members who live here, or care about water, you must not grant this permit. **This excessive waste and toxic legacy will be yours.** The TRUE COST to our water and to our environment is too great. NO PERMIT.

Thank you.

Nichole Trushell M.S.

123 Kingston North Street, Hillsboro, NM 88042

OCTOBER 24, 2018

My name is Steve Morgan. I am a Landscape Architect and I live in Kingston, NM. I perform Living History performances as Aldo Leopold, considered by many as the most important conservationist of the 20<sup>th</sup> century because his ideas are so relevant to the environmental issues of our time. He is also referred to as the Father of the National Wilderness System, wrote the first book on Wildlife Management, established the science of ecological restoration and authored "The Sand County Almanac" in 1949, which stills inspires many to see the natural world as a community to which we belong.

I speak his words here:

*We must quit this thinking about decent land use as solely an economic problem. Instead we should look at each problem in terms of what is ethically and aesthetically right, as well as economically expedient. For a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community.*

*It is wrong when it tends otherwise.*

*\* MR. ROOSEVELT*  
I strongly believe that if Aldo ~~was~~ aware of this current issue, he would say these words and also remind those involved that the total cost of this kind of economic destruction is never fully calculated. The amount of New Mexico water involved and the possibility of catastrophic flooding and the resulting environmental and economic destruction downstream should heavily outweigh the economic benefit to a foreign company.

**I am opposed to granting the NEW MINE OPERATION PERMIT for the New Mexico Copper Company.**

Thank you for accepting and considering my concerns and thoughts.

Sincerely,

**Steve Morgan**

Landscape Architect and Aldo Leopold Living History Performer

123 Kingston North St.

Hillsboro, NM 88042

(928) 830-9972

*THE NATION BEHAVES WELL IF IT TREATS THE NATURAL RESOURCES AS ASSETS WHICH IT MUST TURN OVER TO THE NEXT GENERATION INCREASED AND NOT IMPAIRED IN VALUE.*

*THEODORE ROOSEVELT*

Comments submitted by Sandra D. Ficklin October 24, 2018

We reside in the canyon of Animas Creek among the huge, unique Sycamore trees, together with many other deciduous trees, including Cottonwoods, all of which are depended on a constant, shallow source of water. If the 4 large production wells are allowed to be continuously pumped, there could be a drawdown in the Animas Alluvial Aquifer significant enough to destroy these shallow-rooted trees. The Sycamores are a constant draw for tourists and birders who come to Sierra County to study them, and provide another source of revenue to our County.

Unfortunately, we have a rather shallow well which almost certainly will be affected. According to the EIS study for Alta Gold, in 1999, our aquifer could be drawn down by up to 20 feet! Alta even offered to drill new wells for whomever was affected. A Guest Editorial in THE HERALD, on January 17, 2018, asked the rhetorical question several times, "WHO NEEDS THIS WATER" (Animas Creek, etc.). My response is: ALL OF US WHO RESIDE IN THE ANIMAS CREEK AREA, from Caballo Reservoir west to Hillsboro. For most of us it is our only source of water and is critical to our survival, as well as the survival of all wildlife in the area.

Respectfully submitted,  
Sandra D. Ficklin

Comments submitted by Joseph K. FICKLIN  
OCT. 24, 2018

Our house and well are situated on the north side of Animas Creek. Directly across the creek from our house, there are 3 mining company monitoring wells on what was in 2012 known as the Gaya property. In the summer of 2012 NMMC did a test pumping of the production wells situated less than a mile south of our house. To determine if there was an anomaly in the monitoring wells during the pumping, Joe asked a company rep. for a copy of the log from those wells taken during the pumping. The rep. said that was proprietary information and he would have to obtain permission to give us those logs, that he would get back to Joe one way or another. He (we) never heard from him again.

Earlier testimony stated that there were hundreds of mines in that part of Sierra County. But this is a strip pit mining operation, more damaging to the environment than all of those underground, mines.

The EIS reported that the level of the Palomas Basin Aquifer may be lowered by twenty feet. That aquifer underlies the Animas Alluvial Aquifer. Our concern is what effect that drawdown of the Palomas Basin Aquifer might have on our well, which is in the Animas Alluvial Aquifer. Further, will that drawdown deny water to the Sycamores on the Animas, effectively killing them?

An edited version of NM EID comment letter read at EID meeting in T or C September 2018. (ANOTHER MEETING SCHEDULED FOR OCTOBER)

Comment by Taylor Streit

HC 31 Box 712

Caballo NM 87931

Living on the New Mexico frontier has its drawbacks; and when there aren't many people around bad things can happen to the environment. Such was the case with the Moly Mine on the Red River in northern NM a couple decades ago. The only opposition to the pollution was from the Concerned Citizens of Questa. A tiny group who couldn't compete with high molybdian prices.

This relatively small mine turned into a huge beast in 1981 and they broke all the rules. The government laid down the law—with fines that amounted to pocket change for the world's second largest molybdian mine.

When the operation pulled out it left the Red River nearly sterile. The towns people unemployed with numerous health problems from exposure to heavy metals. And Instead of doing the right thing and cleaning up, the mining companies fought the superfund process vehemently. And what work they did was weak—a "reclaimed" slope would be two bushes growing out of a pile of small boulders!

I don't want to see the same thing happen here. The Copper Flat mine is a huge beast too! (Just to give an idea of the scope—the dam for the "lake" is two miles long!) There's lots at stake including the southernmost Rio Grande Cutthroat trout fishery in the world. (Our state fish.) Animas Creek ain't much

of a stream to begin with but when the mine's massive wells start pumpin " it will suck the drainage bone dry up into the nearby Aldo Leopold Wilderness.

Downstream a few miles, the beautiful Animas valley is home to the rare Arizona Sycamore. The Rio Grande is just a few miles downhill. If this mine is allowed to happen, green chili, pecans, waterfowl, cow, quail, deer, and farmers will eventually become rare too.

Taylor Streit is a resident of Caballo and owns a fly fishing guiding business in Taos. He has written several books on fly fishing NM.

## Statement

My name is Robert Byrd, I am a retired engineer from Las Cruces. I have family from the old Hot Springs area, now T or C, and my father graduated from the former New Mexico School of Mines. He worked at Magdalena, and later Grants before moving out of state. I was afforded my own educational opportunities in great part to my father's work, and opportunities in mining.

It is no secret that opportunities for today's youth in southern New Mexico are seriously limited by the lack good-paying jobs that invest in their communities, which in turn affects the ability of communities to adequately fund education, and pay for infrastructure upkeep, a deadly cycle. Farming is important, but work is seasonal, and generally low paying. Government jobs are good, but may be relocated as political winds shift. New Mexico, with its low education rating cannot attract its share of high-tech industry. Wind and Solar energy may be the future, but how many people does a solar, or wind farm employ? Tourism? Service industry jobs are overwhelmingly minimum-wage, and local attractions subject to climate change. The Spaceport? Mañana, it seems, meanwhile new "Spaceport" projects are springing up in neighboring states, and even Canada.

So why not modern mining? We have the resources that other states don't have, we have access to institutional excellence at New Mexico Tech, we have a willing workforce that needs high-paying jobs, and we have an opportunity in this project to help strengthen and diversify the local and state economy. Contrary to the nay-sayers who argue that it is a zero-sum activity, modern mining is entirely compatible with tourism, farming, ranching and high tech. Because we are fortunate to be mineral resource-rich in New Mexico, it makes sense to include modern sustainable mining as a vital, contributing component to our economic development.

The Fraser Institute, a top-ranked independent Canadian Think-Tank publishes an "Investment Attractiveness Index ", which ranks states, countries and regions, based on a multipoint survey of mining companies to perceived attractiveness to investment. In other words, places it will focus activities that may lead potentially to significant investment and job generation. Its latest report (2017) ranks Finland as most mining-investment friendly.



That Finland- well-known for its high quality of life and educational excellence- earned the top score means they understand that mineral resource exploitation is a desirable component in their economic development, particularly in the sparsely populated north, where good jobs are also scarce. That Finland is at the forefront of technological innovation also speaks to their understanding and trust in the management of mining, metallurgical and environmental processes. Environmental awareness in Finland is supported by a highly educated population and clear, concise regulation.

For comparison, New Mexico ranks 43rd in this survey, lagging behind such “welcoming” jurisdictions as Russia, while Guatemala is in last place.

Modern mining is investment- intensive, and countries around the world vie for it. That New Mexico Copper is planning to spend over \$360 M to put a modest-sized mine in operation is a testament to the quality of the project, and their faith in the community that supports them, and this state.

Let’s take advantage of this opportunity, for the future of our region. I strongly support approval of the necessary permits for the Copper Flat mine.

NOTES FOR

NEW MEXICO MINING AND MINERALS DIVISION PUBLIC MEETING

NEW MEXICO COPPER CORPORATION

COPPER FLAT MINE

OCTOBER 24, 2018

LEE NEWMAN      BSF

New Mexico Mining and Mineral Division Public Meeting  
New Mexico Copper Corporation Copper Flat Mine  
October 24, 2018

ANALYSIS/COMMENTS/QUESTIONS OF COPPER FLAT MINE EIS

Lee Newman

- 1). BSF Forestry Northern Arizona University School of Forestry and Engineering
- 2). Owns Newmans Nursery in Santa Fe, NM and Animas Creek Tree Farm Caballo, NM
- 3). Worked for Rocky Mountain Range and Forest Research and Experimental Station Flagstaff, Arizona
- 4). Supervised planting over 2 million trees for US Forest Service reclamation
- 5). Winner New Mexico Green Business of the Year Award 2011 awarded by NM state government, Santa Fe, Santa Fe mayor and city council, Santa Fe Chamber of Commerce and Santa Fe Community College
- 6). Ten years research on growth requirements for Arizona sycamore and other native trees and forests
- 7). Ten years daily recording Animas Creek stream flow 2½ miles below Copper Flat Mine pumps
80. Expert consultant for US Forest Service and expert witness for District Court.

Lee Newman  
HC 31 Box 32 Animas Creek Rd.  
Caballo, NM 87931  
treefarm2@windstream.net

## PURPOSE

My purpose is to study, calculate and demonstrate what will happen to local farms and residents and plants and animals if Copper Flat Mine receives a mining permit and toxic water discharge permit, and to study the Copper Flat Mine Environmental Impact Statement (EIS) Volumes 1, 2, and 3 and to ask questions and make recommendations based on computer models and extensive data presented in Copper Flat EIS.

I will limit my analysis to areas of my expertise: well output, stream flow, riparian species, damage to Animas Creek farms. My analysis can be useful to New Mexico Mining and Mineral Division and cooperating agencies in avoiding decisions based on opinion and helpful to avoid future litigation.

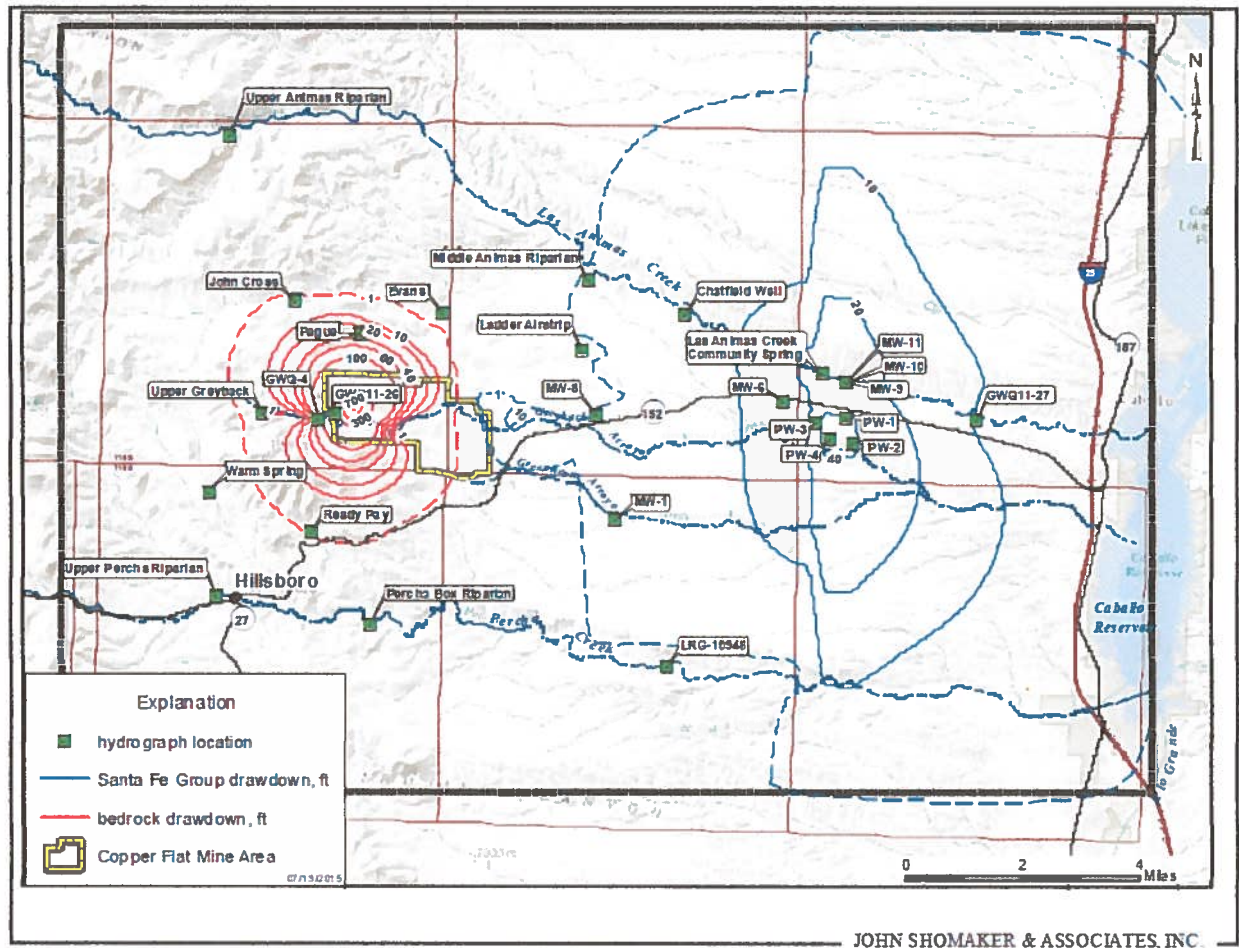
I have read or briefed every page of Copper Flat Mine EIS Volumes 1, 2, and 3, and have condensed data to make my report easy to read and understand. I have copied and included several pages of graphs and charts from the Copper Flat EIS.

I have underlined parts of interest and put notes on some of these copies.

New Mexico Mining and Mineral Public  
Meeting  
October 24, 2018  
Truth or Consequences NM  
Lee Newman BSF  
Animas Creek

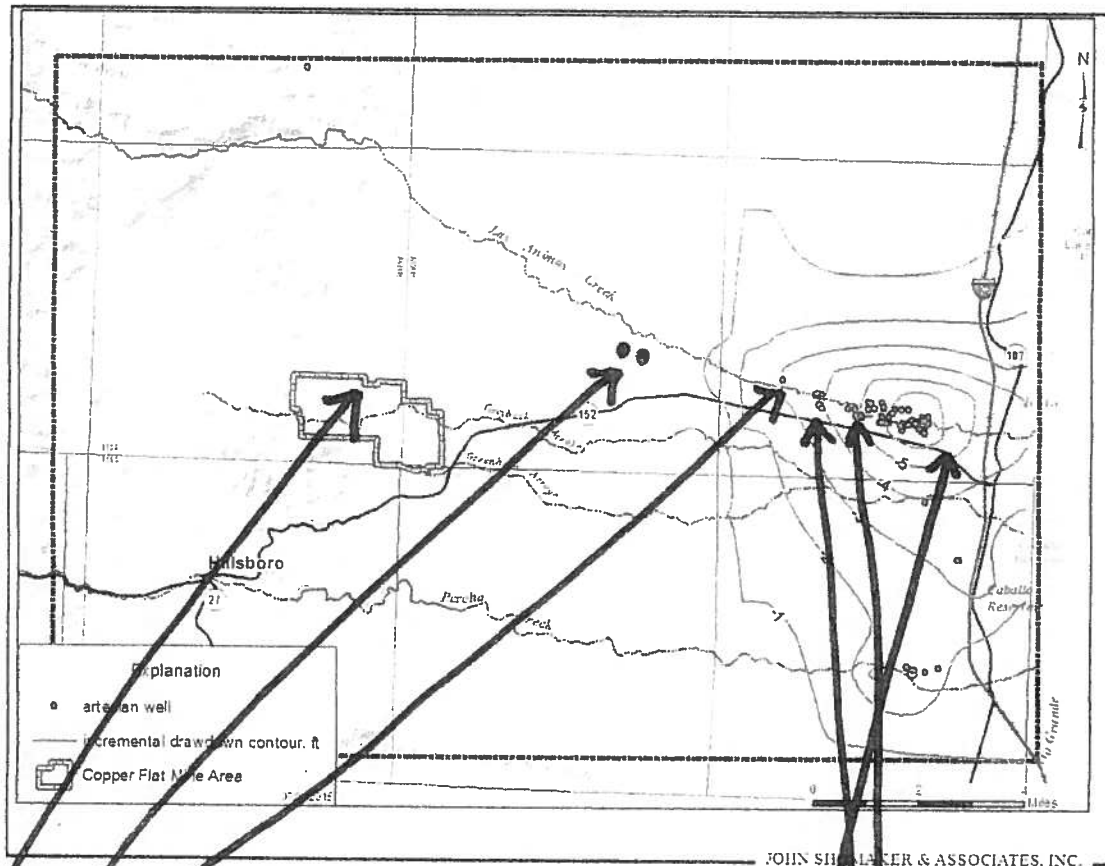
Additional hydrographs are provided in Appendix E. The locations of the hydrographs are shown by labeled symbols on Figures 3-13a and 3-13b. Hydrographs for locations near the pit are similar to Figure 3-14a; impacts would decrease rapidly away from the pit but would be permanent within the bedrock aquifer. Hydrographs for wells in the Santa Fe Group aquifer east of the mine are similar to Figure 3-14b; impacts decrease gradually away from the supply wells and show relatively rapid recovery. Hydrographs for wells in layer 1 show essentially no change.

**Figure 3-13b. Map of Water Level Declines in Layer 2 at End of Mining - Proposed Action**



Source: JSAI 2015.

**Figure 3-13c. Map of Water Level Declines in Layer 2 at End of Mining, Proposed Action, Resulting From Potential Increased Pumping of Artesian Wells**



Source: USAI 2015.

**NEW DIAMOND PECAN ORCHARD**

**ANIMAS CREEK NURSERY TREE FARM**

**CHAVEZ M & A LASER LEVELED FIELDS**

**WORLD RECORD SYCAMORE**

**MINE PUMPS**

**MINE LOCATION**

## HOW COPPER FLATS MINE WILL DRY UP ANIMAS CREEK FARMS

According to Copper Flats Mine EIS Animas Creek farms will lose their water three ways:

- 1) Level 1 water table, domestic wells of Animas Creek Village drop 40' will dry many domestic wells )Paragraph 1, 3-80)  
3-76 3-14-B
- 2) Reduce flow of Animas Creek will reduce the water available for community pipeline of lower Animas Creek Water Users Association.
- 3) Reduction in flow of Animas Creek artesian wells of 28 million gallons per year. This will dry out our artesian irrigation well out and dry up Animas Creek Nursery's solar artesian powered award winning tree fields.  
See Figure 3-15-A.  
Flowing well discharge (Figure 3-15-B) shows a reduction of 700 acre feet or 625,000 gallons per day of Animas Creek artesian wells.  
Figure 3-15-B page 3-81 shows a drop of wells of 10 to 20 feet Level 2 artesian water at Animas Creek Nursery.

## COPPER FLATS MINE PROBLEMS

Copper Flats Mine has located massive pumps on the edge of Animas Creek Canyon, 2½ miles from Animas Creek Tree Farm, with plans to pump over 6,000,000 gallons per day from below Animas Creek Canyon.

According to the Copper Flats Mine EIS Animas Creek's flow will be reduced and all lower Animas Creek artesian well will dry up. See Table 3-5 page 3-55. The top chart shows Animas Creek 100 years after mining stops. Animas Creek, Rio Grande and all streams in the area still suffering! 100 years after mining stops. The bottom chart page 3-55 shows what will happen to Animas Creek when the mine starts pumping. Animas Creek drops by 45,619,140 gallons. These are massive losses of water and Animas Creek will result in 10' drop in Tree Farm artesian wells and a 20' drop for other Animas Creek Water Users Association members' artesian wells and an estimated 40' drop in domestic wells of Animas Creek Village. (Figure 3-13-B page 3-77.)

**Table 3-15. Predicted Surface Water Depletion Rates at End of Mining and 100 Years After Closure Due to the Proposed Action and Two Mining Alternatives**

| <b>Table 3-15. Predicted Surface Water Depletion Rates at End of Mining and 100 Years After Closure Due to the Proposed Action and Two Mining Alternatives</b> |                        |                |                      |                |                      |                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------|----------------------|----------------|----------------------|----------------|
| <b>Surface Water Feature</b>                                                                                                                                   | <b>Rate (AFY)</b>      |                |                      |                |                      |                |
|                                                                                                                                                                | <b>Proposed Action</b> |                | <b>Alternative 1</b> |                | <b>Alternative 2</b> |                |
|                                                                                                                                                                | <b>End of Mining</b>   | <b>Closure</b> | <b>End of Mining</b> | <b>Closure</b> | <b>End of Mining</b> | <b>Closure</b> |
| Caballo Reservoir (upstream of dam)                                                                                                                            | 807                    | 24             | 939                  | 22             | 1,093                | 25             |
| Rio Grande (downstream of dam)                                                                                                                                 | 657                    | 3              | 803                  | 3              | 932                  | 3              |
| Las Animas Creek <sup>1</sup>                                                                                                                                  | 12                     | 1              | 14                   | 1              | 17                   | 1              |
| Percha Creek <sup>1</sup>                                                                                                                                      | 18                     | 3              | 20                   | 3              | 24                   | 4              |

Notes: Predicted surface water depletion rates provided by JSAI (2014a and 2014b). End of mining values represent maximum depletion rates, which occur 3 months after the cessation of mining. Closure values are for 100 years after mining.

<sup>1</sup> Predicted surface water depletion rates of Las Animas and Percha Creeks include water available for surface water flows and ET.

**Table 3-16. Predicted Cumulative Surface Water Depletion Volumes Due to the Proposed Action and Two Mining Alternatives**

| <b>Table 3-16. Predicted Cumulative Surface Water Depletion Volumes Due to the Proposed Action and Two Mining Alternatives</b> |                        |                      |                      |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------|----------------------|
| <b>Surface Water Feature</b>                                                                                                   | <b>Volume (AF)</b>     |                      |                      |
|                                                                                                                                | <b>Proposed Action</b> | <b>Alternative 1</b> | <b>Alternative 2</b> |
| Caballo Reservoir (upstream of dam)                                                                                            | 8,845                  | 6,934                | 8,353                |
| Rio Grande (downstream of dam)                                                                                                 | 7,106                  | 5,553                | 6,730                |
| Las Animas Creek <sup>1</sup>                                                                                                  | 140                    | 113                  | 136                  |
| Percha Creek <sup>1</sup>                                                                                                      | 178                    | 134                  | 165                  |

Note: Predicted cumulative surface water depletion volumes at 3 months post mining.

<sup>1</sup> Predicted surface water depletion rates of Las Animas and Percha Creeks include water available for surface water flows and ET.

### 3.5.2.1 Proposed Action

The Proposed Action is expected to result in significant impacts, with long-term minor to moderate adverse effects. The Proposed Action, to process ore at a nominal throughput of 17,500 tpd, is predicted to reduce groundwater discharge to Las Animas and Percha Creeks, Caballo Reservoir, and Rio Grande below Caballo Dam, decreasing the amount of water available for surface water flow and plant evapotranspiration. The predicted depletions are not expected to have substantial impacts to the surface water flow characteristics at or vegetation along Las Animas and Percha Creeks; the reductions are relatively small and the majority of the creeks' reaches within the Palomas basin, where most of the depletions occur, are ephemeral. However, the predicted reductions in groundwater discharge are expected to have a more notable effect on the Rio Grande, reducing surface water flows and potentially



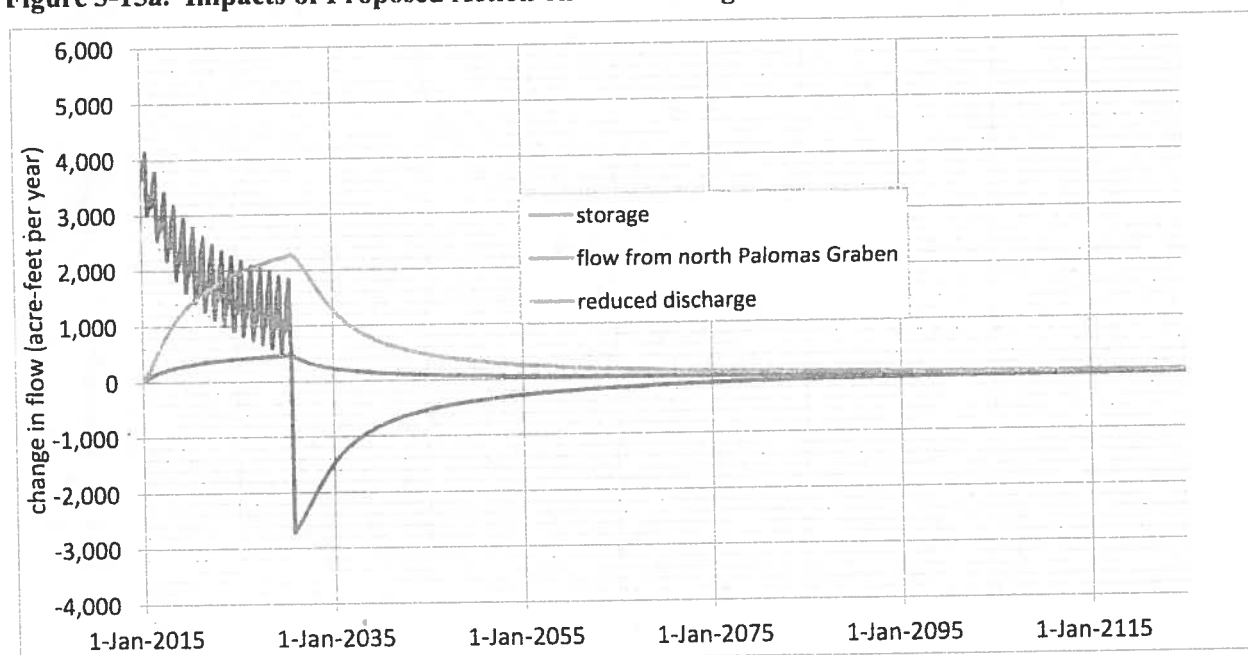
## QUESTIONS

- 1) Does New Mexico Mining and Minerals Division agree the mine pumping will damage local agriculture?
- 2) EIS Table 3-15 shows loss of water one hundred years after the mine closes. What is the future value of all water used by the mine and lost for a hundred years after the mine closes?
- 3) Can New Mexico Mining and Minerals Division require a super fund be set up by Copper Flat Mine to compensate farms and homes for loss of wells and loss of land and home value?
- 4) Does the New Mexico Mining and Minerals Division believe the employment analysis and the multipliers used to determine employment benefits from the mine? (In the analysis business this is called "blue sky analysis"--you take out the clouds and you multiply by 5.)
- 5) Does the New Mexico Mining and Minerals Division support the real estate analysis of the EIS? Question: Which is worth more--farm with flowing irrigation well or farm with dry well?
- 6) What will be more financially important to Sierra County in twenty-five years--the Copper Flat Mine or recreation?
- 7) How many domestic wells are in lower Animas Creek and how deep are they?
- 8) If New Mexico Mining and Minerals Division permits the mine, how much time will Animas Creek well owners have before shallow wells fail?
- 9) Does the New Mexico Mining and Minerals Division believe a hundred or more shallow wells in Animas Creek could be repaired and pumps installed quickly? And by whom?
- 10) Why is there no plan for dangerous chemical spills other than diesel?
- 11) If the tailings dam breaks will toxic water reach the Rio Grande?
- 12) Why is the reclamation plan using less than one-tenth the amount of seed needed to re-establish vegetation? Why are we allowing a completely fake reclamation plan to be presented?
- 13) Why does the reclamation plan not require successful re-establishment of grass and trees, not just put down a tiny amount of seed and leave the site bare to winds and water erosion?

Impacts to individual private wells, other than artesian wells, are not simulated in the model. Drawdowns can impact pumping costs and well yield. Measurable impacts to well yield would be expected only to wells that: a) draw their water from the Santa Fe Group aquifer; b) are close enough to the production wells that impacts to water levels might be measured in tens of feet; and c) are so shallow such drawdown would impede production (i.e., penetrate only several tens of feet into the aquifer). At this time, the BLM has identified no such wells.

**Impacts to Regional Water Budget:** Figures 3-15a and 3-15b illustrates the simulated effect of the Proposed Action on the components of the regional water budget over time. Figure 3-15a separates out impacts to the depletion of storage, the simulated direct effects on discharge to the Rio Grande which is further broken out in Figure 3-15b, and flow across the northern model boundary, some portion of which would have a river impact. The reductions in flow are shown as increasing steadily once mining begins, peaking at the end of mining, then declining fairly rapidly once mining is over, but continuing on for decades. Additional water budget impacts would occur should owners of artesian wells increase their pumping to compensate for decreased artesian flow.

**Figure 3-15a. Impacts of Proposed Action on Water Budget**




Source: JSAI 2015.

- 14) In view of these and other flaws will the New Mexico Mining and Minerals Division reject the New Mexico Copper Corporation the mining permit and related water Discharge permit?

"Examining each question of what is ethically and esthetically right as well as economically expedient. A right thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise."

Aldo Leopold      Land Ethic, Sand Country Almanac  
Pgs. 224-225

## Value Notes

 Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  icon to the left TABLE view to learn about sampling error.

The vintage year (e.g., V2017) refers to the final year of the series (2010 thru 2017). *Different vintage years of estimates are not comparable.*

## Fact Notes

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

## Value Flags

- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown
- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval distribution.

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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## Median Household Income

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\$29,679

2016 VALUE  
± \$3,208

Households in Sierra County, NM have a median annual income of \$29,679, which is less than the median annual income in the United States. Look at the chart to see how the median household income in Sierra County, NM compares to that in it's parent locations.

Dataset:  
Source:

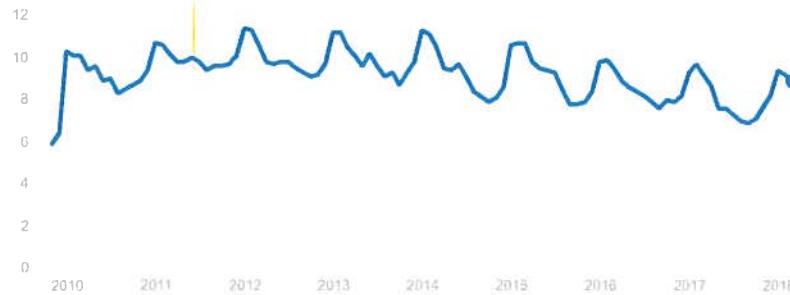


sierra county nm unemployment rate


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About 506,000 results (0.81 seconds)

Sierra County, New Mexico / Unemployment rate

**8.8% (Mar 2018)**

Explore more

Sources include: Bureau of Labor Statistics

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**Unemployment Rate in Sierra County, NM - FRED - Federal Reserve ...**
[https://fred.stlouisfed.org/series/NMSIER1URN?utm\\_source=series...](https://fred.stlouisfed.org/series/NMSIER1URN?utm_source=series...)

Aug 1, 2018 - Graph and download economic data from Jan 1990 to Jun 2018 about Sierra County, NM; NM; Prosperity Scorecard; unemployment; rate; and ...

**Unemployment Rate in Sierra County, NM - FRED - Federal Reserve ...**
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Graph and download economic data from 1990 to 2017 about Sierra County, NM; NM; Prosperity Scorecard; unemployment; rate; and USA.

**NM; Sierra County, NM; Rate; BLS; County - Economic Data Series ...**
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2 economic data series with tags: NM; Sierra County, NM; Rate; BLS; County. FRED: Download ... Unemployment Rate in Sierra County, NM. Percent, Not ...

**Employment & Unemployment - Map: LA - Bureau of Labor Statistics**
<https://data.bls.gov/map/MapToolServlet?...unemployment...county...u>

Map Title: **Unemployment rates** by county, not seasonally adjusted. Map Type: New Mexico county Map Month/Year: ... Sierra County, 9.1. Socorro County, 6.5.

**[PDF] Population Ratio Estimates The Employment-to-Population Rat**
[https://www.dws.state.nm.us/.../The\\_Employment-to-Population\\_Ratio\\_Official\\_and...](https://www.dws.state.nm.us/.../The_Employment-to-Population_Ratio_Official_and...)

of county-level E/P ratios from the Census Bureau's American ... Exhibit 3: New Mexico and United States Share of Population Fully Utilized ... **Sierra County**.

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**FRED | Unemployment Rate in Sierra County, NM | Quandl**
<https://www.quandl.com/.../NMSIER1URN-Unemployment-Rate-in-Sierra-County-N...>

Quandl is a marketplace for financial, economic and alternative data delivered in modern formats for today's analysts, including Python, Excel, Matlab, R, and via ...

**Sierra County NM Economy data business market research Dona Ana ...**
[www.towncharts.com](http://www.towncharts.com) > USA > New Mexico

Sierra County NM Economy data business market research with charts and graphs ... earnings, self employment, poverty, commuting Dona Ana County and Socorro County. ... Figure 16 shows Sierra County illustrates it has 4.5% unemployment rate which is the ... Figure 1: Sierra County, NM Median Earnings per Worker.

**U.S. Census Bureau QuickFacts: Sierra County, New Mexico**
<https://www.census.gov/quickfacts/table/BZA210214/35051>
**Sierra County, New Mexico**

Sierra County is a county in the U.S. state of New Mexico. At the 2010 census, the population was 11,988. Its county seat is Truth or Consequences. [Wikipedia](#)

**Area:** 4,236 mi<sup>2</sup>**Population:** 11,282 (2015)**County seat:** Truth or Consequences**Points of Interest:** Elephant Butte Lake State Park**Rivers:** Alamosa Creek, Taylor Creek, Rio Grande**Destinations**

Gila National Forest



Truth or Consequences



Cibola National Forest

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2017 Population Estimate (as of July 1, 2017)

**11,116**

Source: 2017 Population Estimates (/bkmk/table/1.0/en/PEP/2017/PEPANNRES/0500000US35051)

**Popular tables for this geography:****2010 Census****General Population and Housing Characteristics (Population, Age, Sex, Race, Households and Housing, ...)**

(/bkmk/table/1.0/en/DEC/10\_DP/DPDP1/0500000US35051)

**Race and Hispanic or Latino Origin (/bkmk/table/1.0/en/DEC/10\_SF1/QTP3/0500000US35051)****Hispanic or Latino by Type (Mexican, Puerto Rican, ...)**

(/bkmk/table/1.0/en/DEC/10\_SF1/QTP10/0500000US35051)

**Households and Families (Relationships, Children, Household Size, ...)**

(/bkmk/table/1.0/en/DEC/10\_SF1/QTP11/0500000US35051)

**Compare Cities and Towns for Population, Housing, Area, and Density**

(/bkmk/table/1.0/en/DEC/10\_SF1/GCTPH1.CY10/0500000US35051)

**Compare Census Tracts for Population, Housing, Area, and Density**

(/bkmk/table/1.0/en/DEC/10\_SF1/GCTPH1.CY07/0500000US35051)

**2016 American Community Survey****Demographic and Housing Estimates (Age, Sex, Race, Households and Housing, ...)**

(/bkmk/table/1.0/en/ACS/16\_5YR/DP05/0500000US35051)

**2017 Population Estimates Program****Annual Population Estimates (/bkmk/table/1.0/en/PEP/2017/PEPANNRES/0500000US35051)****Census 2000****General Demographic Characteristics (Population, Age, Sex, Race, Households and Housing, ...)**

(/bkmk/table/1.0/en/DEC/00\_SF1/DP1/0500000US35051)

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Good Afternoon, I am Denise Barrera, General Manager of Sierra Electric Cooperative, Inc. headquartered in Elephant Butte New Mexico. Sierra Electric is a member owned rural electric cooperative serving over 3,150 members with 4,192 meters. We serve Sierra (excluding T or C), Catron, Socorro and Luna counties. 99% of our meters are in Sierra County. We have about 900 miles of line with a density of 4.65, which is meters per mile.

Rural cooperatives have seven cooperative principles that they go by, one being “Concern for Community” – which is one of the highest concerns for SEC, including the economic needs of the members and residents of Sierra County. The Copper Flat mine will enhance and provide a unique opportunity for growth and sustainability to the Sierra County residents, surrounding counties and the state of New Mexico. It will offset the existing weak economic conditions our county is currently facing. It will allow local companies to provide additional employment opportunities and local governments the resources to improve and develop sustainable critical services for its citizens.



In 1982 when Quintana Mine came on line for a short period, our purchases went from 18.2 million kwh in 1981 to 47.5 million. That is an increase of 29 million kwh or 63% increase in sales. And that was for just a few months of operation.

The NMCC, with a 40MW load at 90% LF would increase our purchases from 65.4 million kwh to 263 million kwh. We are looking at approximately 197 million kwh per year. That is about 74% increase in sales. This would benefit the economic and financial conditions for our members of SEC by reducing the burden on our current rate payers, which 81% are residential. It would allow us to maintain and upgrade our system and infrastructure without having to increase rates or borrow funds. It would help reduce our debt and in turn, open up opportunities for additional economic development projects.

The SEC Board of Trustees adopted a board resolution in February 2016 supporting NMCC for its investment and efforts in the development of the Copper Flats Mining Project in Sierra County. Over two years later, we continue to strongly support this unique opportunity for growth and sustainability to Sierra County and state economics.

On a more personal note – I have lived here practically my whole life. I graduated from HSHS. I started my career at SEC. I left in 1987 for a better paying job. The last 22 years of my 36 years in the electric cooperative business, I drove every day to Deming to work. While working in Deming, I never moved out of Sierra County. I have served on numerous boards and committees. One of which I served 12 years on the local school board. As a member of the School Board, I handed out hundreds of diplomas to graduating students knowing the majority of these kids were going to leave Sierra County for better career opportunities. And those who remain in Sierra County are faced with higher cost of living and lower wages. My son and his classmates graduated in 2004. My son is in Yuma, AZ, he has fellow classmates in Las Cruces, Albuquerque, Santa Fe, Dallas, Nashville. And this is just a few. I could go on for hours on what this mine would do for our community. But in closing, NMCC has demonstrated their commitment to Sierra County. They have already invested millions of dollars in this project. Please grant them the operations permit. Thank you for giving us the opportunity to support NMCC and Copper Flat Mine.

**BOARD RESOLUTION**  
**Sierra Electric Cooperative, Inc.**

A resolution supporting New Mexico Copper Corporation for its investment and efforts in the development of the Copper Flats Mining Project, located within the confines of Sierra County, which will enhance and provide a unique opportunity for growth and sustainability to the Sierra County and state economies.

**WHEREAS**, the Sierra Electric Cooperative is a Member owned, rural electric cooperative serving over 3,150 members with 4,142 meters in Sierra County and whose mission is "to provide the highest quality electric service, at the most affordable price, and in the safest manner" to our members; and

**WHEREAS**, the Sierra Electric Cooperative Board of Trustees "SEC Board" has reviewed the information developed under the management of the Las Cruces District Office of the Bureau of Land Management, Draft Environmental Impact Statement and finds it to be comprehensive, complete, and protective of environmental resources while providing economic opportunity for Sierra County and New Mexico, as presented; and

**WHEREAS**, the "SEC Board" recognizes the importance of regional economic development; and

**WHEREAS**, one of the Cooperative Principles that guides Sierra Electric is "Concern for Community" and the economic needs of the members of the Cooperative and the residents of our County are of the highest concern; and

**WHEREAS**, Sierra County is endowed with natural resources including copper which is an important industrial element used in infrastructure development, electrical power generation and transmission; and

**WHEREAS**, it is the desire of the SEC Board to promote the economic utilization of Sierra County's natural mineral resources in a responsible fashion that will allow local companies to provide additional employment opportunities and local governments the resources to improve and develop sustainable important critical services for its citizens; and

**WHEREAS**, the economic base of Sierra County will be enhanced through the development of the Copper Flat Mine Project to help offset the existing weak economic conditions being experienced in Sierra County; and

**WHEREAS**, it is the desire of the SEC Board to support businesses that employ local citizens and utilize proven technologies that provide community safeguards and balance environmental stewardship with mineral and other natural resources production.

**NOW THEREFORE, BE IT RESOLVED**, that the SEC Board fully supports and encourages the granting of state and federal permits to the New Mexico Copper Corporation as needed to facilitate the opening and continuing operation of the Copper Flat Mine Project in Sierra County.

**CERTIFICATE OF SECRETARY**

I, O. L. Wood, hereby certify that I am the Secretary of Sierra Electric Cooperative, Inc. and I further hereby certify that the above Resolution is a true and correct copy of the resolution passed and adopted by the Board of Trustees of Sierra Electric Cooperative, Inc., at its meeting held on February 19, 2016, at which meeting a quorum was present, and that this Resolution has not been rescinded or modified.



O. L. Wood

O.L. Wood  
Secretary

## **Copper Flat Mine Project New Mine Operation and Reclamation Permit Hearing**

Testimony of:

Tom Stroup

Vice President, Board of Trustees

Sierra Electric Cooperative

PO Box 290

Elephant Butte, NM 87935

October 2018

My name is Tom Stroup, Vice President of the Board of Trustees for Sierra Electric Cooperative. I have lived as a full-time resident of Sierra County since \_\_\_\_\_.

Sierra Electric was established in 1941, and we are now in our 77<sup>th</sup> year of serving Sierra County. We have about 3,200 members and serve about 4,000 meters. Challenges of an Electric Coop in Southern Rural New Mexico include:

- Declining Membership with declining population in Sierra County
- One of the poorest Counties in New Mexico with a stagnate to declining economy and little Industrial electrical load
- Aging infrastructure with constant need for replacement and upgrading.
  - Nearly 900 miles of power lines (3 lines - ~3,000 miles of wire)
  - ~14,000 Wood Power Poles
  - Approximately 3,300 Transformers
  - Approximately 600 Regulators, Capacitors, Sectionalizing Devices, etc.
  - 2 Substations (Cuchillo (1977): 10 MVA / Caballo (2005): 5 MVA)
  - A fleet of specialized vehicles, equipment and Safety gear
- We have primarily a Residential Customer Base, the most difficult type of Base for sustaining infrastructure and service without continually needing to increase rates to Members
- We have difficulty finding skilled workers, rely on hiring bright locals and providing professional training and then trying to retain them
  - Problem with being in an economically challenged County is that we can't pay as much as other Cooperatives with better economies.
- Electric Coop's, like mining operators, rely on professionals to design and construct our infrastructure

- Sierra Electric has ongoing requirements to upgrade and replace our aging infrastructure as described above
- For large Capital Projects, after they are Professionally designed, it goes to Bid, and is constructed by Licensed Professionals specialized in electrical projects.
- Once construction complete, our own highly trained and specialized Linemen and Support Crews monitor and maintain the system, and conduct Maintenance and New small scale Construction Projects.
- NMCC has done the same with design of their mine facilities, including their Mine Operations and Reclamation Plan. It has been designed by Professionals, with extensive Experience in such operations and facilities. These Professionals rely on their designs and constructed facilities working to protect the environment in order to stay in business.....as will NMCC!
- Sierra Electric Cooperative is a Working Example of how when good opportunity for good employment is available in Sierra County, that our local youth, and talented individuals who may be from other areas and like living in Small Town New Mexico, seek out these jobs, work through intensive and professional Training Programs, and improve themselves and build Careers in Sierra County.
- This results in Growth to the County, which is what Sierra Electric needs to sustain and improve our service to our Members.
- We have heard a lot of talk in the past several weeks, opinion, not fact, about the effects of mining on a community.
- Tourism has been promoted as the future economic engine of Sierra County. While Tourism is an important component of the future economy of Sierra County, it cannot carry the county on its own, as Sierra County's current economy demonstrates.
- Tourism jobs tend to be Seasonal, Temporary, with little to no Benefits, while Copper Flat jobs will be full-time with Benefits, Training and a future.
- Tourism in Sierra County centers primarily around Elephant Butte Reservoir. Our lake level is currently about 3% full, as low as it has been in has been in about 50 years. A year ago the lake was about 12% full. With inflow in late 2017 and in 2018, the lake was reduced by 9%. If we don't have a large snowpack in 2018/2019, what is going to happen? Will the lake be at 1% full? Or 0% full. How is that going to affect Sierra County's tourist economy?
- With ever increasing acreage of pecan trees being planted, a high water-use crop, and desert/riparian lands being converted to cropland, the issue of

23 October 2018

Testimony Tom Stroup  
Copper Flat Mine Project

water with Texas and Mexico, will Elephant Butte ever again be a lake that is the engine of tourism in Sierra County?

- The Copper Flat Mine Project has been designed with the most advanced and proven technologies known today, and will use the most advanced and proven materials to protect the environment while providing jobs, training and opportunity to our local youth and working people, and economic stimulus to Sierra County.
- NMCC has followed the path that federal and state regulation require, they have engaged highly trained, experienced and professional teams to design a comprehensive project that will protect the environment, generate much needed opportunity and economic benefits to Sierra County, and reclaim the land to a condition better than what it is today.
- IT IS TIME TO APPROVE THIS PROJECT AND LET THOSE IN SIERRA COUNTY THAT WANT TO WORK, THAT WANT TO SEE THEIR CHILDREN STAY IN SIERRA COUNTY AND WORK, AND WANT A COUNTY THAT IS ECONOMICALLY SUSTAINABLE, RECEIVE WHAT CAN BE HAD IF THE PROJECT IS APPROVED!

## **COPPER FLAT MINE REMARKS BY JIM PAXON, Oct. 23, 2018**

I am a Sierra County Commissioner. I personally and as a member of the Sierra County Commission support the Copper Flat Mine. The Commission is unanimously in favor of the mine proposal and the benefits that it will bring to Sierra County.

A citizen recently asked me why I did not give serious consideration to the information presented by those against the mine. I campaigned on listening to all Sierra County citizens and taking their concerns to heart. I owe it to all citizens to consider their input on issues...and I do.

We are a country and a society of laws and order. The General Mining Law of 1872 is still the foundational federal law regarding the exploration of, filing for and protection of private entities claims and rights for the extraction of locatable minerals to include gold, silver, copper, lead, zinc, molybdenum and others. Many folks don't like that, but until the law is changed, that is what we should follow.

The 1976 Federal Land Policy and Management Act (FLPMA) did in fact revise the 1872 Mining Law to REQUIRE reclamation of lands mined, financial guarantees (bonds) to reclaim, federal and applicable state permits to operate and extensive, detailed plans of operations...and of course preparation of an E.I.S. by BLM (NEPA which discloses potential environmental impacts).

In addition, the New Mexico Mining Act of 1993 added to environmental protections by dictating required actions of mining proponents and protection of the environment by several state agencies through permitting and monitoring of mining activities.

This is not the gold rush of the 1800's, nor is it the extractive mess of too many mining operations in the 20<sup>th</sup> century. In today's era of advanced technology along with demonstrated responsibility...I believe that mining can be accomplished and the environment protected at the same time. NMCC has indicated a willingness to comply with all applicable laws, rules and regulations and they have met or exceeded all of these required measures to date. Theirs is certainly not a "dig out and get out operation!"

You are here today to consider the pros and cons of issuing NMCC a mining permit. This hearing is one of many by the several state agencies who have permitting authority as well as the BLM. Other federal agencies such EPA, BATFE, USFWS, Army Corps of Engineers, Federal Mine Safety and Health Admin all have stringent permit requirements and strict processes for approvals that must be met before the mine can move forward. Sierra County would be involved in issuing NMCC a business license and monitoring the mining activities. Mining today is very closely examined and monitored. Required permits from each of these agencies would be appropriately enforced.

NMCC filed their first Plan of Operations with the BLM in December 2010 for the RE-ESTABLISHMENT of a mine and processing facility previously operated by the Quintana Minerals Corporation. The NMCC has spent nearly \$40 Million dollars in New Mexico and more than \$55 million in total... in preparing and revising their mining plan of operations, continued exploration and core drilling, environmental studies, water studies, engineering studies, and more to include participation in public forums such as this one. To me, NMCC has shown determination and staying power with a desire to be in Sierra



County long term and to contribute to the welfare of our citizens and communities...in other words, **to be a good neighbor!**

I toured the proposed mine facility in July and saw that the old Quintana mine infrastructure, water wells, pipelines, roads, tailings storage facility, waste rock disposal areas are extant and can be re-used with minimal modernization and changes to meet the new mine's production and thus, limit the disturbance and environmental impacts associated with the construction of a totally new operation, from the ground up.

**I noted** from the BLM EIS that 47% of the mine (745 acres) as proposed would be on federal lands administered by the BLM. The remaining 53% (841 acres) would be on private lands already owned by NMCC. However, more than 90% of the ore removal would be from private lands.

**Note:** There is no dreaded toxic chemical use, such as "cyanide leaching" in this proposal. Today's technology is much less hazardous and controlled. The BLM's Draft EIS stated that the impact of hazardous materials and solid waste and waste disposal was "NOT significant." (Table ES-3 Summary of Impacts). Also, in the same summary, concerns for human health and public safety were deemed "Not significant."

**Note:** 72% of the total water needed by the mining operation would be "on site" processed water, recycled from storm catchment, existing ponds and pit lake dewatering, water in the rock being processed, etc. (source BLM EIS p.2-26, 28 & 30). That's seems to be efficient to me.

**Note:** The current pit lake is pH neutral and is being used by wildlife. I noted deer and javelina tracks as well as several birds in the area. There were no carcasses, nor animal bones in or near the pit lake as I walked around it.

**Note:** As a good neighbor, NMCC will provide a trust fund that will maintain water quality management of the pit lake for a minimum of 30 years after cessation of all mining activities.

**Note:** Greyback Arroyo is diverted by a major ditch around the mine pit and pit lake that prevents any mine water from getting out of the operating area and flowing downstream. That diversion would be reinforced and maintained as need be to be kept functional.

**Note:** The proposed NMCC plan of operation would thoroughly reclaim 910 acres of land impacted by the previous Quintana Mine. One great improvement is a new tailings storage facility would have an impervious liner that would be laid out in sections and welded sequentially and then covered over with the existing tailings material from the operation in the 1980's, as well as that from the new mining effort. This structure would serve to capture any liquid residues and keep them from flowing into Animas Creek, Greyback Arroyo, Greenhorn Wash, Percha Creek, Caballo Lake or the Rio Grande.

**Note:** Planned and financed reclamation will return the area to a self-sustaining ecosystem that will benefit wildlife. This includes 50% of the area that was not reclaimed after Quintana ceased operations. "Growth media" to include topsoil and alluvial material would be collected and retained for use along with planned use of fertilizers and seed mixes to revegetate the area impacted by mining. NMCC is

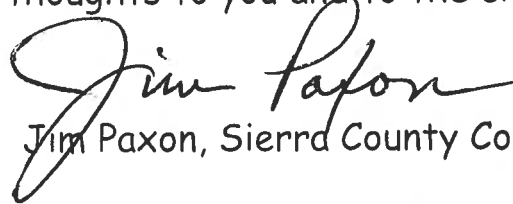
committed to having an approximately \$56 million surety bond to assure that the reclamation work WILL be done.

Finally, from a selfish standpoint, I would like to suggest that the Copper Flat Mine would provide opportunities that are not available in Sierra County right now. My wife Debbie has been here since the mid-1960's. I have been here since 1988. Together, we have 9 grandchildren, 6 of whom are adults. ONLY ONE OF THOSE YOUNG ADULTS LIVES IN SIERRA COUNTY. She works in a dental practice and is studying to be a hygienist. Right now, she is on maternity leave with our second great-grandbaby. Sadly, none of the other grandkids could find employment opportunities locally. They are in Tucson, El Paso, Las Cruces and Albuquerque. Would they prefer to reside and work here, where they would be close to parents and grandparents? In discussions with them, they have expressed a strong desire to be closer, but without opportunity, occasional visits centered around holidays have to suffice. Several of them have skills and experience in welding, construction and heavy equipment operation that fit in very well with potential skills needed at the Copper Flat Mine. Our hope is that these young people will be able to compete for job openings as the mine facilities are constructed and operations begin.

My bottom line in response to the citizen who took me to task for supporting the mine...Yes, I have looked at the "evidence" from both sides and the plans, facts and evaluations by technical specialists and conclusions from analysis by government agencies far outweigh the influence of fear of the unknown, nebulous "what if" arguments and personal bias against mining, anywhere, anytime, which can be perceived as NIMBY. I believe very strongly that NMCC IS a good neighbor and

that the operation of the Copper Flat mine will benefit all Sierra County citizens as well as New Mexicans in general.

Thank you to the New Mexico Mining and Minerals Division for the opportunity to present my thoughts to you and to the citizens assembled here today.

A handwritten signature in black ink, reading "Jim Paxon". The signature is fluid and cursive, with the first name "Jim" and last name "Paxon" clearly legible.

Jim Paxon, Sierra County Commission

Totally on her own

My grand daughter in the  
3rd grade wrote this for  
me to say for my comment

Myrsold  
Miley Cullum

My name is Jeff Cullum

I am a resident of

Sieka community

I have lived here

since 2004 some of  
you think the mine

is bad but your  
writing we could be one

of the better towns

more people would

want to live here

not leave here we

could be rich if taking

silver, gold, copper, tungsten

You are scared of

change mines aren't

bad they're good and

you are wrong.

So I thought I better  
write something and speak!

Jeff Cullum

HC 31 Box 8 Williamsburg

VA

82942



I was born in Bakersfield California. My Dad and my Grandpa worked together. They invented a machine to do Automatic handbanding on Drill Pipe. They mounted it on a Truck as they grew they built a shop in Grants N.M. My Dad purchased a Ranch near Reserve. I came to New Mexico in 1979 moved to Reserve to help my Dad on the ranch. ~~he had purchased~~ My Dad like N.M. the most of all the places he worked. He eventually sold the handbanding business and went full time ranching. He passed away about 10 yrs ago the year before he passed he was cattleman of the year in N.M. because all the work he did for Ranchers as a whole. I went to College in Silver City, in 1979 where I met my wife Mary Ellen Arriaga her family has lived in this community since before it was a state. After 2 yrs ~~of college~~ at Western. They offered a new program, Vocational Technology. I had worked part time for a footer in Silver so I had been around jobsites in town. I decided to go into Construction Technology, so I could learn to build houses. After it got going I learned that Phelps Dodge <sup>mine</sup> had worked with the College to set up these programs and they provided funds called Cota. It was for all the workers who got laid off from the mine to ~~because~~ because copper was down at that time. They were



teaching them new trades. They  
even bought them new tools to  
work with. I graduated in 1983  
got married and got my Contractors  
License GB 98, ~~and~~ The housing  
market in Silver at that time  
was very slow but I built a house  
It took a few months to sell but  
it was the only new home in town  
~~for~~ sale at that time. I built  
~~again and sold again~~ an 2 more and  
sold each one right away. In 1986  
I needed property to build on  
So a local realtor took me to see  
a property 15 miles out of town  
on the way there we passed  
the Tyrone mine. I was young  
and did not quite understand a lot  
of things. I remember thinking when  
we drove passed ~~oh~~ Oh that's  
the mine out here I wonder how  
this will hurt my ~~business~~ business.  
The property was located 4 miles  
south of the mine on Highway 90.  
~~My thinking at the time was~~  
~~I just won't say~~



My Dad help me and we built  
purchased the property. I ~~start~~<sup>built</sup>  
one home it took a few months  
but I sold it. So we subdivided  
24 parcels. I built another it  
was slow for next 3 homes. Then  
people started showing up at  
my home saying I heard you  
build home and have land for  
sale. Some were young families  
some were retired we had all  
ages. I did not understand it  
but had a lot of work. I  
was hiring guys from town  
and training them to help me. I  
was bringing in more and more Subcontractors  
they were training people all the  
time. Other people were buying to  
build their own homes. It turns  
out what happened was copper  
prices were getting better and  
the mines had started operating.  
I had built another Subdivision  
of 42 lots we had not stop  
work until I sold everything  
~~I had. My wife was offered~~  
~~a teaching job at the elem~~



~~We were very~~ ~~for~~  
have happened. We had  
a good life there for 20 years.  
I had sold almost everything and  
started another project in Hidalgo  
County. My wife had majored  
in Physical Education and she was  
offered a job in TORC 40  
tech elementary school in her  
home town so we came.  
I did not realize how much  
the incomes from all the people  
mines had help me and all the ~~const~~  
guys in Silver City (anti) I moved  
here and though it would be  
easy to get house jobs. I  
still have not built a new  
home here. I now work in  
Grant County. I have a store  
in Hatch and I work in  
Hidalgo County. ~~My 3 daughters~~  
live here <sup>one is a teacher</sup> and ~~each~~ have have  
2 grand kids. I would like for  
~~my~~ them to ~~have~~ be able to stay  
here. ~~and~~ ~~is~~ have a future. I  
am still capable of building homes  
like to have a project here



Right now I feel the opening of this mine is the best chance we have.

At my store in Tlahuipa I meet people from all over the world who ride bicycles from Canada to Mexico on the continental divide. I rode myself I felt it was something I needed to do. It took just over a month. I rode alone many nights all night long and I had a lot of time to think about everything. I saw all the towns that were doing well financially. What I thought about the most was my wife children and Grandchildren and their future going forward. ~~I am hoping I rode past the~~ I hope we can take advantage of this opportunity and <sup>we have</sup> can all prosper from it.

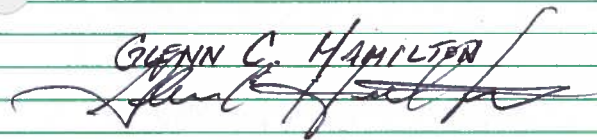
I rode past the Henderson mine right in the forest saw wild life and many nice homes. People were happy and very nice to me.



TO WHOM IT MAY CONCERN,

MY NAME IS GUENN HAMILTON. I AM THE ELECTED SHERIFF OF, FOR AND BY THE CITIZENS OF SIERRA COUNTY. I AM SUBMITTING THIS WRITTEN COMMENT ON BEHALF OF THE MEMBERS OF MY DEPARTMENT, SPECIFICALLY, THE DEPUTIES WHO SERVE UNDER MY HAT. AS A CAREER LAW ENFORCEMENT PROFESSIONAL IN SIERRA COUNTY, I HAVE EXPERIENCED FIRST-HAND, THE INABILITY OF COUNTY GOVERNMENT TO PROVIDE FOR AND/OR CONTINUE TO KEEP AND ATTRACT QUALIFIED EMPLOYEES AS A RESULT OF FIXED OR LIMITED FUNDS. OFTEN TIMES A COUNTY EMPLOYEE WILL BE FORCED TO OBTAIN WORK IN OTHER CITIES AND COUNTIES THROUGHOUT OUR STATE OR OTHERS AS A RESULT OF OUR ECONOMIC LIMITATIONS. VALUABLE SERVICES REQUIRED TO BE PROVIDED BY LOCAL GOVERNMENT BODIES, ARE UNDER-FUNDED, UNDER-STAFFED AND LACK VITAL EQUIPMENT NECESSARY TO ACCOMPLISHED EVEN THE BASIC OF TASKS DUE TO ITS ECONOMIC STATUS. WHEN AN OPPORTUNITY PRESENTS ITSELF, SUCH AS THEMAC (COPPERFLATS MINE PROJECT) WITH THE POTENTIAL TO BRING IN MUCH-NEEDED ECONOMIC RELIEF, THEN I MUST STAND IN SUPPORT OF IT.

STATE AND FEDERAL REGULATIONS ARE IN PLACE WHICH PROVIDE FOR THE SAFE CONSTRUCTION, OPERATIONS AND FINALLY, RECLAMATION. I AM CONFIDENT THAT THOSE REGULATIONS AND RULES WILL BE ADHERED TO AND ENFORCED AS THIS PROCESS MOVES FORWARD. MANY OF THOSE OPPOSED TO THIS OPERATION WOULD HAVE ONE BELIEVE THAT THE CURRENT REGULATIONS AND CONSTRUCTION GUIDE-LINES ARE NON-EXISTENT OR WILL BE HAP-HAZZARDLY IMPLEMENTED YET THERE ARE NO EXAMPLES TO DRAW UPON. I URGE THE COMMISSION TO ALLOW THIS OPERATION TO GO FORWARD AND GIVE SIERRA COUNTY THE OPPORTUNITY TO GROW ITS ECONOMY AND ALLOW IT TO FUND THE CRITICAL SERVICES WHICH IT IS RESPONSIBLE TO PROVIDE ITS CITIZENS.

GUENN C. HAMILTON  


Mario diGesú, PT  
PO BOX 3685  
219 DR. HUBBLE DRIVE  
Tor C, NM 87901



Office: 575-894-8029  
Fax: 575-894-8029  
Email: [wellness@windstream.net](mailto:wellness@windstream.net)

To Whom it May Concern:

My name is Mario diGesú and I have been a resident in Sierra County since 1993. I am a physical therapist by trade and have enjoyed steady employment in the health industry since I arrived. I am very much in favor of Themac Resources opening up Copper Flat mine in Sierra County to help provide steady employment and opportunity for others. Steady employment and upward opportunity is what gives quality of life and the ability to stay in an area. I would have left long ago had there not been employment and opportunity.

Sierra County would not only benefit from an influx of jobs the mine would offer but would also benefit from the increased tax base to help all of our cities improve their infrastructure. Whether it is potholes in the roads, a plethora of leaking pipes, or inadequate sewer systems, our old systems are in much need of repair and upgrades.

I feel that Themac Resources has gone above and beyond their duty to educate the public and reach out to community to build good will. I believe they have done due diligence to get all the studies and analysis needed to ensure their operation will be a beneficial and safe partnership for all concerned. I believe they hold truth as a core value and will not be a fly by night operation that will leave our people and land worse off.

Hopefully Themac Resources will be granted their Mining and Mineral New Mine permit so we can raise the standard of living in our area, improve our infrastructure, and utilize a natural resource that will benefit all of us.

Sincerely,

Mario diGesú



Jaswant Khalsa &lt;jaswantkhalsa@gmail.com&gt;

**In the Matter of Copper Flat Men's Discharge Permit 1840, Docket No. 8WB-18-06(P)****Jaswant Khalsa** <jaswantkhalsa@gmail.com>

Fri, Sep 28, 2018 at 11:02 AM

To: john.baca2@state.nm.us

Bcc: Satwant Singh Khalsa &lt;satwant60@hotmail.com&gt;

To: New Mexico Environment Department  
 Butch Tongate, Cabinet Secretary Designate  
 Kurt Vollbrecht, Director of Mining Environment Compliance

My husband and I are residents of Sierra County, NM. We retired here three years ago and own both residential and commercial property in Truth or Consequences, NM. We have lived in the Southwest, including AZ, for over forty years, and also own property in Catron County, NM. We love the Southwest and Southern New Mexico in particular.

We pay close attention to economic, water resource, and environmental issues in the U.S. and the Southwest. This week (Sep 24-28), we attended and listened intently to the NMED hearings held in T or C. **We remain opposed to NM Copper Corp. (Themac Resource Group) reopening the Copper Flat Mine in Hillsboro, NM and the issuance of Discharge Permit 1840. This project would have profound long-term detrimental consequences to the water, environment, and people of New Mexico.**

1. First and foremost, 11 years of mining would use 23 billion gallons of water pumped from wells near the Rio Grande River. Unlike agricultural, municipal, or domestic wastewater, this water will not be returned to the soil to be reused. Municipal and agricultural water users in Southern NM, need every drop of water that exists. As you know, ground water is a significant problem throughout the Southwest and particularly in Southern New Mexico. With good reason, New Mexico is currently being sued by Texas regarding excessive agricultural pumping of ground water that feeds the Rio Grande. Independent of the Copper Flat Mine, this has been a huge issue that will be at the Supreme Court within a few short years. This lawsuit itself is clear evidence that NEW MEXICO DOES NOT HAVE GROUND WATER TO SPARE.

2. Approval of this permit creates a significant threat to Southern New Mexico. It would endanger the Caballo Reservoir and the Rio Grande River and all municipal and agricultural water users in the Mesilla Valley. According to this permit application, 113 million tons of discharge would be contained in a 600 acre tailing pond behind a 2 mile sand dam with a 22 acre pit lake of polluted water at the bottom. Even a minor mishap in the dam or the synthetic liner would cause catastrophic damage to surface and ground water, contaminating what little water we have, endangering all human, plant, and animal life. This would mean decades of constant threat to New Mexico groundwater, wildlife, and economic development.

3. The economic benefit of reopening Copper Flat Mine will not be nearly as great as city county, and state officials and business people hope. New Mexico Copper Corp. has only enough water rights to operate three months per year. This means the environmental and economic threat would continue during decades of intermittent mining. The company says it will employ about 270 employees. But this relatively low number of part-time low wage jobs are of questionable benefit. Based on the NM Copper Corporation's water agreement with the Jicarilla Apache Reservation, their people would have employment preference. Regardless of where employees originate from or settle, the Copper Flat Mine is at least a 30-60 minute one-way drive from most residential communities. Such part-time intermittent employment would be minimally beneficial to Southern New Mexico. In fact, it is likely the mine would not attract permanent residents but, instead, to result in an increased transient population. Most of the economic benefit of this mine would be to Australian-based CEO's and shareholders that are not even NM residents.

To increase NM Tax revenue, it would be of greater long-term benefit to create policies that would attract sustainable energy

companies that will offer long-term revenue and resident employment. The cost/benefit ratio of the Copper Flat Mine "opportunity" is way too high. Given very significant threat to the water, environment, and economy and minimal economic benefit to the people of Souther New Mexico, we urge the NM Environment Department to disapprove Discharge Permit 1840.

We understand the need for increasing state revenue, but the cost of a project like this is much too high. The NM Environment Department is responsible to the people of this state - not foreign corporations. We urge you to make your decisions accordingly.

Thank you,  
Satwant Singh and Jaswant Khalsa  
574 W. 4th Ave  
T or C, NM 87901  
602 359 2146  
602 290 8076

My name is Veronique De Jaegher. I live locally in Kingston. I am **opposed** to the granting of the New Mining Operation permit for the Copper Flat Mine <sup>51027f</sup> for many reasons. I will just mention two: **Water and jobs**.

- First and foremost is the issue of **Water** the lack there-off and its pollution.

As we all know we are in a prolonged draught. Farmers and private wells are already going dry. How can we afford to waste so much water. How can we allow an Australian corporation to pollute the water table for thousands of people East and South of the mine all the way along the Rio Grande watershed?

- NMCC says it will create 270 **jobs** over 11 years and this issue is repeatedly brought up by the mine's supporters.

First in the contract that binds NMCC with the Jicarilla Apaches it is specifically stated that "NMCC will give preference in employment to members of the Nation and to maximize utilization of tribal members in all available employment opportunities" So those jobs won't be local employment...

#### SEE ARTICLE 21: POLICY STATEMENT ON INDIAN PREFERENCE

21.0 As an employer, the Nation seeks to employ individuals who possess the skills, abilities, and background to meet the employment needs of the tribe. As a sovereign Indian tribe and a unique cultural group, the Nation promotes preference for qualified Indian individuals in employment. Accordingly, the Nation has established Title 23 in the Jicarilla Apache Nation Code for hiring employees to provide services that meet the needs of the Nation's people. NM Copper hereby supports and endorses the policy of the Nation and shall reasonably consult with the Nation to give preference in employment to members of the Nation and to maximize utilization of tribal members in all available employment opportunities. It is the intent of NM Copper to build a core group of skilled labor candidates through job placement and training assistance to eligible enrolled members of the Nation....

Second, that employment would be temporary because of the "stop and go" mining due to fluctuation of copper price and not enough water rights .  
What happens to all those jobs when the mine temporarily closes??

Thank you for your attention.

Véronique De Jaegher

HC 69 Box 101

Hillsboro, NM 88042

LINDA L. SEEBACH

10634 HIWAY 152

HILLSBORO, NM 88042

October 23, 2018

Mining and Minerals Division

RE: Copper Flat Mine Operating Permit

I ask you to deny this permit based on the following reasons, as well as, all other testimonials and evidence presented by those of us against this mine.

New Mexico Copper Corporation and THEMAC propose to operate the mine 24/7 for twelve years. The tentative response to the question of how often blasting will take place, was probably three days per week, perhaps only one blast. Heavy machinery and heavy truck movement, however, will continue non-stop, 24/7.

The detrimental environmental impact of dynamite blasting has been very well documented. Adverse impacts include ground vibration, air blasts (noise), flyrock, generation of airborne fines, fumes, gasses and dust. These effects generated by dynamite blasting cause environmental damage to water wells and aquifers, historic and other structures, animals and birds by masking of vocalization, physiological stress, change in movement and patterns of behavior, birds are disrupted in normal breeding by being startled into the air, agriculture in the form of soil pollution and air pollution.

Optimal blasting occurs in clear weather with no wind. The Hillsboro area is notorious for prevailing winds, often increasing to 50 or 60 miles an hour. Airborne distribution of fines containing potential contaminants, fumes, gasses and dust is inevitable. And every week, regardless of weather conditions, blasting must take place to meet supply demands.

Hillsboro and neighboring residents and the guests on the Ladder Ranch will be inundated with noise pollution from the blasting a minimum of three times a week for twelve years, causing stress and other psychological damaging side effects. And, interruption of the tourist trade who come to Hillsboro and the Ladder Ranch for the "peace and quiet of tranquil nature".

According to "Controlling the Adverse Effects of Blasting", Office of Technology Transfer, Western Regional Office, Office of Surface Mining, US Department of the Interior, p.47,

"Seismic energy traveling in the direction of major rock joining or faults will tend to promote high vibration amplitudes". This is important due to the fact that the Las Animas Fault lies just to the east of the blast area. Major studies need to be conducted concerning the long term effects of 24/7 dynamite blasting on this fault. In addition, studies must be conducted on the effects of redistribution of 120 million tons of earth material closer to the fault.



In "Controlling Adverse Environmental Effects of Operations Using Information Technology"  
July 1, 2016 Dr. Sushil Bhandari states:

"An improper blast can change the balance sheet of a mine...Efficient blasting with reduced environmental effects requires suitable planning, good blast design, accurate drilling, the correct choice of explosives and initiation system and methods, adequate supervision and considerable attention to detail. Conventional blasting practices and technologies in mining...are unable to improve efficiency and mitigate environmental hazards."

NMCC and THEMAC has not demonstrated that they have the needed experience or technology to mitigate the magnitude of adverse environmental impact which would be the product of dynamite blasting for twelve years. Insufficient planning, design mythologies and impact assessment have been employed, and fall into the category of "conventional blasting practices" which are unable to mitigate environmental hazards.

Much has been made of the jobs the mine will bring to Sierra County. The 1,000 plus jobs promised in the construction period are intermittent jobs over a two year period. Additionally, there are only 230 plus "permanent" jobs for the next twelve years. This does not ensure the highly touted economic redemption of Sierra County. At the current time, THEMAC and NMCC do not have sufficient water rights to operate 24/7 for twelve years. Thus they can only operate for a maximum of four months per year. Again, where is the economic stability of these so called job opportunities?

The Copper Flat Mine is not Sierra County's great economic salvation, but with the potential ecological and environmental damage, could become Sierra County's one hundred year nightmare.

Thank you.



Linda Seebach

BA, NMIMT (Now New Mexico Tech)

MSW, University of Denver

Former Certified Floodplain Manager

Former Administrator USEPA NPDES Program

### **Points to present to Copper Flats**

I was born in Hillsboro and I'm one of the few original residents remaining here.

Everyone has already addressed their concerns over water usage, contamination, the ground hog, sycamores, etc. Our concern is in regards to a declining community. We have a volunteer fire department of which my husband has been a member as an EMT and firefighter for eighteen years. He is also a certified water systems operator for the Hillsboro Mutual Domestic Water Association. My husband checks our private well regularly with a "sonar level meter" and in approximately 2010 the water level started dropping. This occurred for a little over a year. After that, and although we are still in a drought our water level has risen to the same level that it was when our well was dug. We believe that since we are about 13 miles from the Copper Flat wells and several hundred feet higher our wells in Hillsboro and Kingston will not be affected.

Sierra County was founded on the production of mines in the area. When the local mines closed the exodus began as families moved out of state to go elsewhere to find sustainable work.

When the town was thriving we enjoyed hay rides during holiday festivities, the famous Hillsboro Apple Festival and the overall joy and laughter from children in a neighborhood. According to the 2010 census the average age in our community was 56 years, add 8 years to that and you have quite a mature population. When we moved here eighteen years ago we had over 40 children whose names I have included on a separate list. Most of our young adults moved away after high school graduation to seek employment, and some families left in search of a better economic future. If there is hope for our young people to stay in Sierra County or for families desiring to relocate to this area we need the Copper Flats project to be approved. The opposition's real concern should be "what will this community look like in another five years and what about our aging fire department volunteers?"

We currently have only five teenagers and they will probably leave the area as soon as they graduate from high school as there is no reason for them to stay here.

I didn't have the privilege of meeting Mr. Cunningham until we had been here several years because he was also employed out of state. But that's exactly what people have to do for gainful employment.

A handwritten signature in cursive script, reading "Angela DeTegge". The signature is written in dark ink and is located at the bottom of the page.

Before there was a Sierra County, before there was a New Mexico, mining was the main trading source of the area, by the Spanish, by the Native Americans, and the inhabitants long before them. Sierra County grew up on mining, because it was blessed with an abundance of underground resources, resources that many others would be overjoyed to have.

So why do so many throw their hands up in horror and try to tell us it will be the apocolypse for water, nature and life as these people know it if Copper Flat were to be allowed to proceed?

It really seems that some people think this is the first mine ever to come to Sierra County, when we've had mining here for many, many hundreds of years, and it's still a beautiful place to live.

It's time that our citizens realize the enormous value, and the positive economic impact that the Copper Flat Mine will have on our community.

It's time that the advantages and the true facts were seriously considered and appreciated by this community, not the fearmongering and exaggerated hogwash continually promulgated by those who don't want things to change, most especially the ones who consider themselves to be "leaders". These are the people who should be making sure we move forward, and not letting real opportunities to improve our economy slip away.

Many make the claim that the mine would take away water that we can't afford, but I don't hear the resistance to new pecan orchards that use multiple times more water per acreage, and don't have much economic impact for the citizens.

It's time to come down to earth and realize that all things change, they change for the better, or they change for the worse, but nothing stays the same.

The mining industry has also changed greatly, and it is time that the old perceptions catch up with those changes. The technical advances made over recent years affect just about every aspect of the industry, especially the ability to operate a successful mine that is also ecologically responsible in it's operations.

The mine will need several hundred employees, and although local labor will have the chance to be trained for some of the jobs needed at the mine, most of the labor will have to move here because we had little to offer in the way of employment, so most of our young people move away.

If the mine employs 200 workers that come from elsewhere, (and that's a low figure), it will mean about 600 new residents, (includes spouses, children etc.). That is a 10% population increase for T or C, and a 6% increase for the county. These are not retirees, these are mostly people of working age, something we need here.

That will be 400 who do NOT work at the mine, and some will have skills that we really need in our community. From these 400 family members, you can be sure that a good percentage of these will look for work, part time or otherwise, and this will also help bring other businesses to our area because one of the drawbacks we have had for bringing in new business, has been the shortage of labor, especially skilled labor.

Having a larger labor pool would and drawing more business to our area, will also improve the growth opportunities for our already established businesses.

These new residents will shop, buy gas and use services here in Sierra County, they will use our doctors, our hospital and our clinics. They will go to the cinema, the brewery, etc. and . . . . and they will need houses and apartments.

There are many here who have the common sense to realize that this is an enormous opportunity for our community. It's time to hear from more of those people and about the positive support for this one time, one of a kind opportunity for Sierra County, instead of nebulous negatives from the repetitive naysayers, who sometimes take a fact, but look to bend and shape that fact out of all reality to fit their agenda. Sometimes they don't even start with a fact at all.

These people are NOT thinking about the survival of the community, they say these things mostly for selfish personal reasons and with no thought for the families that struggle to survive, living a long way below the poverty line. Many of these families have lived in Sierra County for generations.

I hear the claim that this is a retirement community, but that is an assumption that

is based on the present preponderance of older folks, not on the way the community was built.

This city was formed by workers, workers from the dam, workers who brought their families to live and grow here. We still have families, we still build schools for their children.

The reason for the abundance of older people is that we have a generation gap, a gap caused by the migration of young adults leaving to find a place where they can earn a better living. We don't just lose those young adults, we lose their children, and their children's children, and it leaves a community with the too young to leave, and older adults who don't want or need to leave. Yes, retirees move in, but the percentage would be much smaller if we kept our young adults, and of course their children who would then grow up and restart the cycle.

We hear continuous complaining about the state of our roads, our water and sewer systems, electric and many other basics that make life comfortable.

That's partly because Sierra County is so very poor, among the poorest counties in the US, not just NM. THAT IS NOT GOING TO CHANGE UNLESS WE HELP IT TO CHANGE, AND THIS IS ABOUT THE BEST CHANCE WE ARE GOING TO GET!!

We oppose the Copper Flat Mine for many reasons:

1. The water that will be used is more than the all the water that the people and farmers use in a year and they are just wasting it, for no benefit to the people of Sierra County. We are in a drought and have been for several years, water is precious, without water nobody and nothing lives.
2. All the pollution they will cause to anything around the mine and beyond
3. All the jobs are false, what maybe a few, so everyone that lives in Kingston, Hillsboro, Animas Creek, Arrey can go without so a few can have a job.
4. If the mine is there all property values in the surrounding area will go down to nothing, who wants to live next to a mine, with the noise, dust

Lights, explosions AND TRUCK TRAFFIC going ON, NOT TO MENTION NO WATER OR WATER YOU CAN NOT DRINK. MY husband SUFFERS FROM SEVERE PTSD, EXPLOSIONS going ON ~~EA~~ EVERYDAY will do WONDERS for him, ALL the wildlife will LEAVE, who CAN BLAME them, ALL the beautiful SYCAMORE trees will die. BIRDS will LEAVE. it will become A WASTELAND.

5. This is A CANADIAN COMPANY, WHAT give them the RIGHT TO COME HERE AND DO WHAT THEY WANT. But if AN AMERICAN COMPANY WENT TO CANADA they WOULD BE SENT HOME PACKING REAL QUICK.

6. Two other mining COMPANYS WENT broke trying to MINE THERE, should tell you SOMETHING, THERE is NOTHING there to mine.

NO MINE!!!!

James & TERESA Harthun

22 October 2018

From: Candace Browne

PO Box 3642

Truth or Consequences, NM 87901

candilight4u@gmail.com

**To:**

Director, Mining and Minerals Division

Energy, Minerals and Natural Resources Dept.

1220 S. St. Francis Drive

Santa Fe NM 87505

**Email: EMNRD-MMD.Director@state.nm.us**

**Concerning:**

NM Mining & Minerals Division Mine Operating Permit

New Mexico Copper Corp (THEMAC) Application for a New Mining Operations Permit  
for the Copper Flat Mine project, Animas Mining District, Sierra County, New Mexico

I am indeed sincerely & seriously concerned about the overwhelming possibility of environmental pollution if this copper mine is allowed to open.

I want our New Mexico Energy, Minerals and Natural Resources Department, Mining & Minerals Division to be **120%** sure that this mining company has proven, with detailed documentation, beyond any doubt, that they intend to take every possible precaution to protect our Sierra County's fragile desert environment during any current activity, during any set up for mining, during any actual mining operation, during any temporary periods of shut down/closure for any reason (ie. a lowering of copper prices), during any reclamation process and into the future generations after they have completed their intended copper mining operation.

These are some of my Concerns about the possible construction, operation & reclamation & time into our future after the reclamation of the Copper Flat Mine, Sierra County, New Mexico. Please add them for evaluation.

Thank you

Candace Browne

***Available fresh water amounts to less than one half of one percent of all the water on Earth.***

~~~

**There has never been a metallic sulfide mine that has not polluted water resources  
where water was present.**

~~~

At least 36 states including New Mexico and Texas expect water shortages by 2013

~~~

To permit an identified acid generating mine means that we are asking *future generations* to take on the responsibility for toxic waste sites that are going to have to be managed for possibly hundreds of years.

Predictions about the success of managing this waste in the long term are, at best, speculative.



These are my findings, my concerns, my reasons and my suggestions.  
The New Mexico Copper Corp (THEMAC) Application for a New Mining Operations Permit for the Copper Flat Mine project -Animas Mining District, Sierra County, New Mexico should be denied for all the concerns & reasons listed below:

**General reasons to deny this New Mining Operations Permit Application:  
Other needed permits not yet issued.**

**Permits not yet issued**

The MMD mining permit is the final state requirement for mining and therefore is meant to be a summation of the 20 some different permits the mine must get before mining can begin.

For the Copper Flat Mine at least **two** permits have NOT been issued:

New Mexico Environmental Department (NMED) has not issued the New Mexico Copper Corporation, Copper Flat Mine DISCHARGE PERMIT No. 1840.

New Mexico Office of the State Engineer (OSE) has not issued a *Permit To Use Water*.

**Dam Breach & Flood Routing Analysis Required by the State Engineer**

NM MMD should not approve this NMCC New Mining Operations Permit Application for Copper Flat Mine Project because the Dam Breach & Flood Routing Analysis Required by the State engineer has not been completed.

Reasons:

A dam breach and flood routing analysis will be required by the State Engineer (10.25.11.12 C (1) NMAC) to verify this classification.'

page ES-2 & pg 5: **3.2 Hazard Classification:**

*'Based on the rules and regulations of the NM State Engineer, the Copper Flat TSF would be classified as a large dam having significant hazard potential.'* According to the New Mexico Administrative Code (19.25.12.10 B NMAC)'

*'Dams assigned the **significant hazard potential classification** are those dams where failure or misoperation result in no probable loss of human life, but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in populated areas with significant infrastructure.'*

Page 5: 3.2 Hazard Classification

*'The TSF lies within the Greyback Wash drainage. Inspection of aerial photographs (Google Earth) indicates no human habitations in or adjacent to Greyback Wash between the TSF facility and **Caballo Lake, into which Greyback Wash ultimately discharges.** [Caballo Lake is a reservoir of the Rio Grande River. (My addition)]*

*A dam breach and flood routing analysis will be required by the State Engineer (10.25.11.12 C (1) NMAC) to verify this classification.'*

**Additional reasons to deny this permit:**

**1 Highway**

NM MMD should not approve this NMCC New Mining Operations Permit application for Copper Flat Mine Project, because of the potential rapid deterioration of Highway 152, Highway 26, and Highway 27 that NMCC will use as the route to transport their '*milling concentrate*' in their proposed 25-ton haul trucks with 10- ton trailers attached.

These named highways are not constructed adequately for the NMCC proposed trucking plan.

The present highway construction needs to be determined to see if it is going to be safe and to determine if it will hold up. Any study needs to be included in consideration of the approval of this permit.

When the highways begin to deteriorate and crumble from the over burden of the mining haul-truck traffic the highways will become hazardous for all traffic with more potential for accidents.

**2 Highway**

NM MMD should not approve this NMCC New Mining Operations Permit application for Copper Flat Mine Project, because when there are numerous highway repair needs - with the resultant highway closure and long periods of backed up/waiting vehicles; this can adversely impact the Tourist enjoyment of these highways or deter Tourists from using these highways. It can adversely affect the economy of Tourism in the nearby towns of Hillsboro, Kingston and Sierra County as a whole. Also it can affect the enjoyment of Sierra County and the highlight of the scenic Highway 152 into the Black Range Mountains and the Gila Wilderness.

A detailed study of this needs to be included in NM MMD's consideration of this New Mining Operations Permit application

A plan to mitigate any adverse impact on Sierra County TOURISM needs to be included in consideration of the possible approval or denial of this permit application.

**3 Highway repair - costs**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because of the potential rapid deterioration of Highway 152, Highway 27, or Highway 26 that they use to transport their '*milling concentrate*' in their proposed 25-ton haul trucks with 10-ton trailers attached.

Because of potential rapid deterioration of any highway used on a daily basis by these heavy trucks, the cost of unusual &/or more frequent repairs to these highways will be placed as a burden upon the local citizens through the use of their tax monies with possible increase in taxes including County or State taxes.

Before this permit is allowed, there needs to be a plan to mitigate any adverse impact on Sierra County or New Mexico State resident's tax base.

#### **4 Highway – Storm**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because of the potential for accidents involving the NMCC contracted haul trucks traveling on our local highways during our seasonal high intensity storms with high winds, torrential downpours &/or snowstorms for which we have no snow removal equipment.

With 25-ton haul trucks pulling 10-ton trailers and drivers *directed* to travel during any weather to meet Railroad Schedules, the additional factor of a storm will create a high potential for a highway accident involving a toxic spill.

These trucks will use the highways during inclement weather when they are scheduled to meet a railroad schedule.

There will be no way to over-see the enforcement of DOT Safety Guidelines for these trucks concerning our local Highways.

A detailed study of this with adequate restrictions placed on any trucking during inclement weather needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

#### **5 Trucking safety**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because NMCC will not take adequate responsibility for the safety of the trucking of their 'milling concentrate' which will be traveling our local highways in 25-ton haul trucks pulling 10-ton trailers on a planned schedule of 360 days a year.

Reasons include:

In their Plan of Operation, NMCC simply refers to any responsibility for the hauling of this toxic material by saying

"...contract haulers (i.e., trucking companies) will be responsible for accidents and spills along the transportation routes."

[NMCC Copper Flat Mine—Spill Contingency Plan, Page 1 Facility Information and Emergency Response.]

Copper concentrate is known to be a toxic substance with adverse health affects related to inhalation of copper concentrate *dust* and other concerns.

U.S.

Ingredients Listed on TSCA Inventory      Yes

Hazardous Under Hazard Communication Standard      Yes

CERCLA Section 103 Hazardous Substances      Yes.....Copper .....RQ : 5,000 lbs. (2270

kg.)

[CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight – 24-28%

NMCC needs to be **adequately bonded** for the clean up of any accidental spills on any highway involving the trucking/hauling/transportation of hazardous or toxic materials connected to their business. I suggest NMCC needs to be responsible for all aspects of their business.

A detailed study of **trucking safety of the Copper Concentrate** needs to be included in the NM MMD's consideration of the possible approval or denial of this Mining Permit.

#### 6 Trucking CONTRACTORS

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the lack of information given about the **'contracted trucking companies**

- **their safety record,**
- **their bonding,**
- **their certification,**
- **their training.**

There is no information about Trucking Contractors in the Mining Plan of Operation.

They will be handling large loads of 'milling concentrate' in 25-ton haul trucks with 10-ton trailers attached. They will be traveling our local highways 360 days a year. According to this Plan of Operation, trucking contractors will be responsible for accidents and spills along the transportation routes.

#### 7 Trucking - Hazardous/toxic materials -rapid response

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because there will almost certainly be **accident(s) on the Sierra County highways involving hazardous materials, toxic materials, chemicals, blasting materials, etc.**

#### **REASONS:**

The **adequacy of any rapid response** for handling these **materials given the remote location** of this mine because Highway 152 is the **only** highway access to the Copper Flat Mine location close to Hillsboro.

Highway 27 is very remote, narrow and has frequent ranches close to the highway. It is far from any Fire Protection, has no adequate water supply.

**Copper Concentrate: Environmental Precautions:** The handling, shipment, storage and processing of this material requires appropriate controls and care to prevent spillage or gradual accumulation in the terrestrial and aquatic environments. Spilled mater should be promptly cleaned up.

Procedures for Cleanup: control source of spillage if possible to do so safely.

**Restrict access to the area until completion of clean up.**

Clean up spilled material *immediately*, observing precautions. *Personal Protection* and using methods which will minimize dust generation (e.g. vacuum solids, dampen material and shovel or wet sweep).

Return uncontaminated spilled material to the process if possible.

Place contaminated material in suitable labeled containers for later recovery or disposal.

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

A detailed **Plan for Rapid Response** needs to be included in the NM MMD's consideration of the possible approval or denial of this mining operations permit.

#### **8 Highway FIRE + Hazardous materials- travel route**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because added potential fire hazard that will occur from an accident on our local highways involving hazardous or toxic materials being trucked to/from the NMCC Copper Flat Mine which is located close to Highway 152. Other routes include Highway 27 and Highway 26.

NM MMD needs to take into consideration the **concentrate haul-truck & supply vehicle travel route** along Highway 152 which goes through BLM public lands and is a remote location in a stretch of arid desert with:

no sources of water,

no major fire department close by

and only small volunteer fire departments miles away.

The same REASONS need to be taken into consideration about the **concentrate haul-truck travel route along Highway 27 & Highway 26.**

#### **9 VOLUNTEER FIRE DEPT**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project if NMCC will *depend in any way* on our **local small volunteer fire departments** for a response to any accident involving hazardous materials or a fire involving hazardous materials. **The concern is for the personal safety and well-fare of our local volunteer fire fighters.**

## REASONS:

Copper Concentrate: Fire and Explosion Hazards: Concentrate will burn if intensely heated, such as in a fire situation, releasing large volumes of toxic and irritating sulphur dioxide gas (SO<sub>2</sub>).

**Fire Fighting: Fire fighters must be fully trained and wear full protective clothing including an approved, self-contained breathing apparatus which supplies a positive air pressure within a full facepiece mask.**

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes....Copper RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

NMCC must not use the Volunteer Fire Fighters from Hillsboro or Caballo when dealing with hazardous or toxic materials.

## 26 FIRE on highways

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the likely potential for fire:

- caused by accidents during the use of explosives at the mine site,
- & caused by accidents on the highway involving trucking of NMCC hazardous material
- & accident related fire spreading by high winds across open land where there are no roads or roads designed only for 4-wheel drive vehicles

The area where the Copper Flat Mine is located is so remote, and the closest town with an active fully staffed Fire Station is Truth or Consequences which is 25 miles away. The only closer fire protection is provided by volunteers from the two small communities of Hillsboro and Caballo and one fire engine at the mine site.

For the same reasons for Highway 27 and Highway 26.

The loss of vegetation for wildlife and grazing for cattle by fire.

The possible burning of power lines in that area.

The possible burning of remote farms & livestock in that area.

Any people who might be caught in a fire.

A detailed plan for Fire Protection and the **water replenishment of any fire equipment along the highways** used for the **transport of NMCC's hazardous or toxic supplies or product** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

### **10 TAILINGS IMPOUNDMENT - after monitoring stops**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of what will happen after the monitoring of the 547 acre Tailings Impoundment ends.

#### **Reasons include:**

In the NMCC Mining Plan of Operation it is stated that monitoring will last only 12 years after the Project is deemed finished.

There is a significant potential for **Acid Mine Drainage Leakage** from the Tailings Impoundment and other toxic/polluting effects that will **continue into perpetuity.**

An accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

With no regular monitoring following the reclamation phase of the Copper Flat mine, a leakage or a breach could get into the local ground water and contaminate it with toxins.

With no regular monitoring a **breach** of the Tailings Impoundment & or Dam, which has a significant *hazard potential* classification, would not receive the necessary **Rapid Response** and could cause untold toxic damage to the environment wherever the contents of the Tailings Impoundment discharge to including the surrounding water, soils, air, wildlife, and endangering Highway 152 and any traffic & the lives of people in the vehicles .

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.

### **11 LINER**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the deterioration of the HDPE geomembrane LINER by any chemicals in the fluids that come into contact with the LINER.

#### **Reasons include:**

- the cumulative effect of this toxic fluid,
- any increased deterioration due to the **desert summer temperatures**
- and the direct effect of the **high altitude sun** with high temperature on the LINER.
- - **Here are a few highlighted points from The EPA Guide**
  - **See the document for further details:**

- Quoting highlights from the Reference:
- The \*EPA Guide, Chapter 7, Section B,
- Designing and Installing Liners:
- Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles (see attached):
  
- \*EPA Guide page 2: *'If the risk evaluation recommended the use of a single liner, the next step is to determine the type of single liner system most appropriate for the site. Determining which material, or combination of materials, is important for protecting human health and the environment <sup>1</sup>.'* Following this is detail on Clay, geosynthetic clay liners & **geomembrane liners**.
  
- \*EPA Guide page 10: B. *'Geomembrane or flexible membrane liners are used to contain or prevent waste constituents and leachate from escaping a waste management unit.'*
  
- Geomembrane or Flexible Membrane Liners
  
- \*EPA Guide page 11: What are the thickness recommendations for geomembrane liners? *'Recommended minimum thicknesses ensure that the liner material will withstand the stress of construction and the weight load of the waste, and allow adequate seaming to bind separate geomembrane panels. Reducing the potential for tearing or puncture, through proper construction and quality control, is essential for a geomembrane to perform effectively.'*
  
- 'What issues should be considered in the design of a geomembrane liner? *...determining appropriate material properties and testing to ensure these properties are met, understanding how the liner will interact with the intended waste stream, accounting for all stresses imposed by the design, and ensuring adequate friction.'*
  
- Material Properties & Selection: *'When designing a geomembrane liner, you should examine several properties of the geomembrane material in addition to thickness, including: tensile behavior, tear resistance, puncture resistance, susceptibility to environmental stress cracks, ultraviolet resistance, and carbon black content.'*
- Puncture & tear resistance: *'...subject to tearing during installation due to HIGH WINDS or handling.'*
  
- Susceptibility to environmental stress cracks: *'In surface impoundments ...cracks can also result where the geomembrane liner... .. has greater exposure to atmosphere and temperature changes, such exposure can increase the potential for environmental stress cracking.'*
  
- Ultraviolet resistance: *'...especially in cases where the liner might be exposed to ultraviolet radiation for prolonged periods .....which often occur in surface impoundments... ..can cause degradation and cracking. Adding carbon black or other*



*additives....can increase ultraviolet resistance. Backfilling over exposed geomembrane ...works to prevent degradation due to ultraviolet radiation.'*

- Pages 11-12: Interactions With Waste '*...chemical resistance is a critical consideration. Testing for chemical resistance ... American Society for Testing materials (ASTM) has also adopted standards for testing the chemical compatibility of various geosynthetics, including geomembranes, with leachates from waste management units. ASTM D-5747 provides a standard for testing the chemical compatibility of geomembranes.*'<sup>7</sup>
- Stresses Imposed by Liner Design: '*...include: the differential settlement in foundation soil, strain requirements at the anchor trench,*
- *strain requirements over long, steep side slopes,*
- *stresses resulting from compaction,*
- *and seismic stresses.* '
- Designing for Adequate Friction: '*Adequate friction between the geomembrane liner and the soil subgrade, as well as between any geosynthetic components, is necessary to prevent extensive slippage or sloughing on the slopes of a unit.*' Several points are explored. '*An evaluation of these issues can affect the choice of geomembrane material, polymer type, fabric reinforcement, thickness, and texture necessary to achieve the design requirements.* '
- What issues should be considered in the construction of a geomembrane liner?: '*....appropriate shipment and handling procedures, perform testing prior to construction, prepare the subgrade, consider temperature effects, and account for wind effects ....select a seaming process, determine a material for and method of backfilling AND plan for testing during construction.* '
- Pages 12-13: Shipment, Handling, and Site Storage '*You should follow quality assurance and quality control procedures to ensure proper handling of geomembranes.* ' '*...provide for proper storage (on site).* '
- Subgrade Preparation: '*..subgrade material should meet specified grading, moisture content, and density requirements.* ' '*see Chapter 3 of EPA's Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities (U.S. EPA, 1993c)*'
- Testing Prior to Construction: '*Before any construction begins, it is recommended that you*
- *test both the geomembrane materials from the manufacturer and the installation procedures. Acceptance and conformance testing is used to evaluate the performance of the manufactured geomembranes.*

- *Constructing test strips can help evaluate how well the intended construction process and quality control procedures will work. ' Details are given with ASTM Methods sited.*
- **Page 14: Temperature Effects:** *'Liner material properties can be altered by extreme temperatures.*
- ***High temperatures** can cause geomembrane liner surfaces to stick together (blocking).*
- *Low temperature can cause the liner to crack when unrolled or unfolded.*
- *Recommended maximum and minimum allowable sheet temperatures for unrolling/unfolding 50°C (122°F) and 0°C (32°F). '*
- **Wind Effects:** *'Windy conditions can increase the potential for tearing.....panels can be weighted down with sand bags. '*
- 
- **Seaming Processes:** *'..a critical step involves field-seaming the separate panels or rolls together. For more information, 'Technical Guidance Document: Inspection Techniques for the Fabrication of Geomembrane Field Seams. (U.S. EPA, 1991c).*
- *Consistent quality in fabricating field seams is paramount to liner performance.*
- *Conditions that could affect seaming should be monitored and controlled during installation. Factors influencing seam construction and performance include:*
- *ambient temperature,*
- *relative humidity,*
- *wind uplift,*
- *changes in geomembrane temperature,*
- *subsurface water content,*
- *type of supporting surface used,*
- *skill of the seaming crew,*
- *quality and consistency of chemical or welding materials,*
- *preparation of liner surfaces to be joined,*
- *moisture at the seam interface,*
- *and cleanliness of the seam interface. '*
- [No time for a coffee break !]
- *'To help control some of these factors,*
- *no more than the amount of sheeting that can be used during a shift or a work day should be deployed at one time.*
- *To prevent erosion, ambient temperature increase caused by carbon black, the subgrade should not be wet, etc. '*
- ***'Regardless of how well a geomembrane liner is designed, its ability to meet performance standards depends on proper quality assurance and quality control during installation.'***
- **Page 15: Protection and Backfilling:** *'For soil covers, three considerations determine the amount of slack to be placed in the underlying geomembrane*
- *... ..appropriate type of soil,*
- *using proper type of equipment,*
- *establishing a placement procedure for the soil.*

- *'... prevent wrinkling ....vehicles do not drive directly on the liner, ...prevent damage caused by covering the liner with too much (page 16)soil too quickly.*
- *'Preventing premature liner failure can be faster and more cost-effective than having to repair a damaged liner.'*
- Page 16: Testing During Construction:
- *Testing during construction enables assessment of the integrity of the seams connection the geomembrane panels. ....categorized as either destructive or nondestructive.'*
- *'For increased quality assurance, it is recommended that peel and shear tests on samples from the installed geomembrane be PERFORMED BY AN INDEPENDENT LABORATORY.'*
- See many additional details in the document.
- *'If test results for the seam or sheet samples do not meet the acceptance criteria for the destructive tests, you should continue testing the area surrounding the rejected sample to determine the limits of the low quality seam....then corrective measures...and retesting.'*
- *Nondestructive Testing is done differently – see the document for details.*
- Page 23 - IV Double Liners (Primary and Secondary Lined Systems) For details see the report.
- Page 24 – V Leachate Collection and Leak Detection Systems For details see the report.

My comment about the above issues highlighted from the EPA Guide is that the November 2015 DEIS, which is one main document I have to work from to know what to research, is woefully incomplete and inadequate without a detailed CQA Plan included in the Wastewater Permit application, so that the EPA considerations will be covered & the CQA Plan can be evaluated by NM MMD and all the other Departments involved, plus the public before the PERMIT application goes forward.

These problems could occur AFTER THE MINE RECLAMATION IS FINISHED and NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

#### **11 A HDPE GEOMEMBRANE LINER - LONG TERM effect**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the long term deleterious effects of the HDPE Liner.

Reasons include:

How will this 547 acres piece of HDPE geomembrane **affect the environment over its life span of hundreds of years.**

What may happen as it **deteriorates?**

Is it known if the material itself will pollute the soil or cause other harmful effects?

The life span of this particular liner – HDPE geomembrane is not given in the MPO.

An accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

### **12 A HDPE LINER SEAMS**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the tailings impoundment HDPE geomembrane *liner sections* are joined together the **seams** may not **hold** and over time they may crack or buckle or slip or break and there can be leakage of acid mine tailings drainage that can harm our environment by polluting the surrounding ground, water, soil, vegetation, wildlife, etc.

An accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

### **24 HDPE GEOMEMBRANE LINER**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of lack of information on the adequacy of the HDPE geomembrane liner that they plan to use under the 547 acre tailings impoundment.

Reasons include:

First there is no information given in their Mining Plan of Operation about the liner itself. HDPE GEOMEMBRANE LINERS are known to frequently fail.

An accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED and when NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

It's such a new technology and many geotechnical and civil engineers, regulators, and general contractors may not be thoroughly familiar with the performance characteristics of viscoelastic engineering polymer products.

Ultimately the reason for concern is toxic AMD (acid mine drainage) leaking from the liner &/or a break or failure that could contaminate and endanger areas of land, air, water, wildlife, humans, ranchers, agriculture, etc. as detailed in other of my concerns.

Detailed information on the HDPE geomembrane that NMCC plans to use needs to be included in NM MMD's consideration of this mining permit application.

Information on any HDPE GEOMEMBRANE LINER that NMCC plans to use needs to include detailed information on each of these aspects:

- highest quality design co-ordinated with the manufacturing & the installation, etc.
- highest quality specifications of the materials (resin) for this particular tailings impoundment use, climate, etc. A project specification document specific to the Copper Flat Project
- highest quality manufacture of the liner
- highest quality installation without damage
- highest quality effective seaming and trial seaming

[about 19% of leaks occur at seams]

- highest quality filling or covering the liner for initial operation without damage  
[ over 70% of leaks occur when the liner is covered by soil or stone, therefore covering is a critical stage for a geomembrane]
- highest quality proper preparation of the ground &/or surface upon which the liner will be placed.
- continual testing of the highest quality in each of these areas done by an independent contractor reporting to appropriate New Mexico State Agencies responsible for this area of the Copper Flat Project oversight.

A plan for a quality independent company, chosen by NM MMD, paid for by NMCC and reporting to the appropriate New Mexico State Agencies responsible for this area of the Copper Flat Project oversight be required with this independent company monitoring every aspect of the liner from its manufacturing to each detail of its installation, seaming, covering and ongoing integrity oversight.

#### **12 B HDPE geomembrane LINER - Existing Wells**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because as the Tailings Impoundment is enlarged in size (to the east) and goes into areas where there are existing wells drilled into the ground water;

So that in the event of any leakage of acid mine tailings under the liner this contaminated fluid may migrate into these well casings and get into the ground water polluting it.

There is no plan included showing how this will be prevented and within the MPO the statement is made that the well casings will be removed "*if possible*", which indicates that it may NOT be possible.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

#### **12 C TAILINGS LINER- BREACH/BREAK - Greyback Arroyo**

NM MMD should not approve this NMCC mining operations permit for Copper Flat Mine Project because there may be a **breach or break** in the Tailings Impoundment dam or the HDPE geomembrane liner that would carry toxic contents (AMD) & the tailings into the Greyback Wash/Arroyo.

This could cause immense damage to the environment.

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."

- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.

There is a potential for toxic contents to spill onto **Highway 152** which the Greyback Arroyo crosses close to the mine site area.

Our national **BLM lands** that the Greyback Arroyo goes through could be damages from toxic acid mine drainage that could occur on these lands if there is an impoundment dam or liner breach or break.

The **cattle** that graze on the BLM land which include area of the Greyback Arroyo could be harmed which would adversely affect the **Ranchers**.

A spill into Greyback Arroyo could also make the land there toxic for any growth of edible plants. **Wildlife and cattle or other ranch stock** could be adversely affected by eating this tainted vegetation.

Any **tailings** that might settle into depressions and remain in the Greyback Arroyo could become **areas/pools of polluted water** following any subsequent rainfalls.

This tainted/toxic water could be harmful to wildlife and cattle. The effect of this could go on for hundreds of years.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED and NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

NM MMD needs to consider a plan to have **the complete area of the Greyback Arroyo fenced by NMCC to prevent grazing cattle and other domestic livestock from being injured** in the event of a tailings impoundment breach that could cause the contents of the impoundment to run down the Arroyo. This would be a fence that would be paid for by NMCC and remain after NMCC finishes its mining Project to protect cattle since the tailings impoundment will be a source of concern for eons.

Fences seldom stop wildlife.

There is no plan in the DEIS to minimize any breach of the tailings impoundment.

### **12 E TAILINGS LINER- BREACH/BREAK - Electricity**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project, because there may be a **breach or break** in the **Tailings Impoundment dam or liner** that would carry toxic contents (acid mine drainage) into the area outside of the confines of the tailings impoundment.

Reasons include:

The tailings impoundment is normally is constantly being pumped out so that the impoundment liquid can be recycled and re-used in the milling operation and saturated tailings are constantly being added to the tailings pile adding more liquid.

If an electrical outage goes out for some extended period of time and a rainstorm drops large amounts of rain onto the 547 acre impoundment and the tailings are at the same time draining down, then all of this liquid will be going into the impoundment 'catchment pond' while no liquid will be removed because the pump will not be functional if it is powered by electricity.

If the catchment pond is overwhelmed this may cause it to overflow or cause a breach.

**A breach or break** would cause the damage to the environment, wildlife, plants &/or domestic cattle.

There is no Contingency Plan for the possible event of a long outage of electricity.

In our locality electrical outages are likely to occur during seasonal summer lightening storms with or without accompanying heavy rainstorm.

The electrical lines that come up from the power plant booster station located close to I-25 are the tall objects along their 7-8 mile path and therefore are prime targets for lightening hits.

### **12 F Pit Wall or TAILINGS LINER- BREACH/BREAK Acid Rock Drainage**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because there may be a **breach or break** in the **Tailings Impoundment dam or liner or leakage through the pit walls** that would carry toxic contents (AMD) into the area outside of the confines of the mine & into ground or surface waters & the general environment.

Reasons include:

- When sulfide ore, waste rock, pit walls or the tailings are exposed to air and moisture, a chemical reaction can create sulfuric acid. (Iron ores are in oxide, not sulfide, formations.)
- Precipitation water can cause sulfuric acid compounds to drain from the mine site -- called acid mine drainage (AMD, sometimes called acid rock drainage or ARD).

- *AMD can enter nearby surface water and groundwater resources and thereby harm people, plants, animals, metal and concrete structures.*
- There has never been a metallic sulfide mine that has not polluted water resources where water was present.
- AMD also dissolves toxic heavy metals (e.g. lead, zinc, copper, and mercury), allowing them to enter surface water and groundwater.
- AMD can form red, orange or yellow sediments in the bottom of streams, which can disrupt the growth and reproduction of animals on which they feed.
- AMD is very difficult to confine and treat (clean up) properly. It can be very expensive to clean up and has costly impacts on local communities.
- It may take several years before AMD reaches toxic levels, and water contamination can then last for centuries, or even millennia.

An accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED** and **NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

Historical mining disasters in New Mexico, such as the tailings impoundment breach at Church Rock in 1979 by the town of Grant, NM must be taken into consideration.

### **13 Social and Economic Consequences**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of all the ways that allowing this Project to go forward may bring **economic hardship** to people in Sierra County and neighboring communities.

In the 1999 Preliminary Final EIS done on Copper Flat for Alta Gold, it shows only that it deals with water and economic impact as separate issues. Ground water will be fine because water levels will return in 140 years. Economic impact is positive since the mine brings jobs (for a few short years). These two issues must be brought into a combined consideration to show the cumulative effects.

Since the water level will be depressed for 140 years, the economic development that depends on that water is also depressed for 140 years. NM MMD must determine and consider what the effects of 140 years of economic depression will be socially and economically in Sierra County?

This is only one example of cumulative effects that need to be taken into consideration.

### **13 A DROUGHT - Economic hardship**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the ways that allowing this Project to go forward may bring **economic hardship** to people in Sierra County, neighboring communities and states.

Reasons include:



Scientific data shows the current drought is affecting 14 states in the south and southwest including New Mexico and Texas.

The large amount of water that the Copper Flat Mine Project will use during its projected 11-17 years (or longer if they stop mining because the price of copper goes down) of milling and other water uses.

The way the use of this quantity of water will affect the aquifers because studies have already shown that they will be affected for 100 - 140 years.

The use of this quantity of water, in this locality in an already arid climate,

- with agricultural businesses (peppers, onions, corn, cotton, hay, pecan orchards etc.) already stressed and depending on pumping ground water
- our requirements of Treaties and Commitments to downstream entities (Texas & Mexico) for assurances of quantities of water
- and our existing Tourism business Elephant Butte Lake State Park, Caballo State Park, Percha Dam State Park, etc
- grazing/ranching, depending on water
- and a serious drought stressing all of these
- The whole infrastructure of our area is going to be increasingly stressed in a cumulative way by this drought

NM MMD must take into consideration prior obligation, water treaties and commitments, already established businesses, current landholders and families dependent on the water supply.

It needs to be taken into consideration that historically, in times of drought changes in life-style must be brought under advisement. Sierra County needs to choose new businesses that will dove-tail in with what already is working to advantage in Sierra County. Businesses that will advocate and strive to fit into our unique climate and the low water use **needs** of the desert particularly during a projected foreseeable drought.

Water in this locality of New Mexico is dependent in a large part on the water of the Rio Grande. What goes on with upstream supply & uses as well as commitments to downstream users must be taken into consideration when any decision is made about a **new business that will use large quantities of water**. This is not happening with the consideration of the projected Copper Flat Project.

As we go into a possible extended period of drought or our down stream neighbors, Texas and Mexico, are affected by what is termed '*the mega-drought in Texas*', NM MMD must be responsible in its consideration of their needs. Knowing the possible near future increased needs for the limited supply of water that New Mexico now has, NM MMD must make careful informed decisions about how everyone upstream and downstream will utilize our dwindling water supply. Our climate is changing. NM MMD must change with it or suffer the consequences.

At least 36 states including New Mexico and Texas expect water shortages by 2013.

When the mining industry argues that new mining development is 'essential' to our way of life, it tends to understate the fact that we could and should achieve many of our metals needs through better re-use and recycling of existing metal products.

### **13 B Economic Hardship – loss of Tourism**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the ways that allowing this project to go forward may bring **economic hardship** to people in Sierra County, neighboring communities and states.

#### **Reasons include:**

Sierra County economically is already based on a complex structure. Historically Tourism is a major economic base. That's the reason Truth or Consequences took up this name...to draw in tourists. The draw for tourists is the a unique local environment including

- clean air
- warm winter temperatures
- healing hot springs
- hiking & biking opportunities
- enjoyment of water related activities at the local reservoirs
- alternative healing modalities
- the star filled clear night sky
- scenic highways
- peace
- relaxation and refreshment of the mind and body through engaging in enjoyable activities

It needs to be taken into consideration that a locality can support only so many businesses and still maintain a long term social and economic health.

#### ***Which businesses will have to die to allow the Copper Flat Project to go forward?***

Are the men and women of Sierra County who have been voted into office to take on the responsibility of offering advice to its citizens on the economic growth truly knowledgeable in the complexity of this decision concerning the Copper Flat Project?

One reason they give for wanting this project is for jobs for the young people of Sierra County. I suggest that using the young people as a '*reason*' puts a terrible burden on these youngsters to work at the mine. Have these young people been asked? Do they want to limit their career opportunities to mining?

As an alternative it can be taken into consideration that there is a growing population reaching retirement age. This population is a new kind of retiree with more focus on healthy outdoor activities walking, hiking, biking, water sports, boating, fishing, camping, etc. Often they are looking for a retirement-focused-community with a pleasant atmosphere and milder temperatures. If a desirable community considers the needs and desires of this population it can benefit from an influx of residents of retirement age.

There is a **lack of foresight** in allowing a plan for this mining that will use this quantity of water. NM MMD must strive to envision possible future problems or obstacles.

#### **14 BLASTING**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the **blasting** that will be done **inside the 'pit' or anywhere within the boundaries of this Project**.

##### **Reasons:**

This may affect any underground **'faults' connected to underground water** in the immediate area. Shifting of faults may cause toxic seepage into groundwater meant for human consumption, stock watering &/or agricultural use.

Change in the underground hydrology may not be *discovered until too late* and cause irreparable harm to the groundwater.

An occurrence of this type might not be discovered until AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

#### **15 WASTE ROCK- run-off**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the damage that will be done to the environment by any **toxic run-off** coming from the **waste rock disposal areas** containing partially oxidized and unoxidized material &/or **low-grade ore stockpiles**.

Reasons include:

Our local summer storm pattern of sudden intense rainfall including:

- how quickly ditches fill and overflow during these storms
- and how powerful the rushing raging water can be and how often this onslaught of water breaks through ditches that are man-made.
- 
- How large these disposal areas and stockpile areas will be.
- 

In the MPO, Page 3-6, 3.2.2 Waste Rock Disposal Area and Low-Grade Stockpile, NMCC says "These disposal areas would be expanded under the current MPO to cover approximately **210 acres** (Appendix B).

After the close of the mine the MPO states that there would be approximately 37 million tons of waste rock and 19 tons of low-grade ore.

The quantity of rainwater during a major summer rainstorm landing on this large acreage is likely to carry toxic fluid from the wasterock area and eventually seep into ground water.

The high winds that are more and more prevalent in our area and the **dust** that can contaminate our air from this ore wasterock sitting out in the open.

Any accident of this type could occur AFTER THE MINE RECLAMATION IS FINISHED AND NMCC IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

## **16 DUST - HIGH WINDs**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the **high winds** that occur in our area that will occur in the Copper Flat area potentially creating **dust storms from the toxic contents of the tailings impoundment &/or other toxic dust or fumes generated at the site.**

There is a potential for:

- **health issues** from the toxins in the dust
- and **highway safety** from poor visibility caused by blowing dust.

Copper Concentrate (creating toxic dust)

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

Another issue of dust is **highway closure** with long waiting periods that can adversely impact

- the **Tourist traffic**
- **and adversely affect the economy of Tourism** in the nearby towns of Hillsboro, Kingston and Sierra County as a whole.

Dust related highway closure can also affect

- the enjoyment of Sierra County
- and the highlight of the scenic road into the Black Range Mountains.

## **19 PRODUCTION WELLS**

*Available fresh water amounts to less than one half of one percent of all the water on Earth.*

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the **pumping of the 4 main Production Wells** located in Sections 30 and 31, T15 South, Range 5 West will **adversely affect water supply used for farming and agriculture in Sierra County.**

**And/Or the use of this water for the purpose of mining, milling, etc. will adversely affect water supply in any way.**

Reasons include:

- Water is a public trust to be guarded at all levels of government
- An adequate supply of clean water is a basic human right
- Water must be conserved for all time
- Water belongs to the earth and all species
- 

I am finding in my research and my communication with various government agencies that the laws to protect our water resources, wildlife, etc may be '*on the books*', but the implementation and enforcement of these laws is lacking in foresight.

Article 22, Section 21 of the Constitution of the State of New Mexico says,

"The protection of the state's beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety, and general welfare. The legislature shall provide for control of pollution and control of despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people."

### **20 HAZARDOUS or TOXIC MATERIALS**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the **NMCC Spill Contingency PLAN** to handle any **spillage of hazardous or toxic materials is inadequate.**

There is no detailed plan for the storage and handling of their Copper Concentrate.

Reasons include:

Copper concentrate

U.S.

Ingredients Listed on TSCA Inventory     Yes

Hazardous Under Hazard Communication Standard     Yes

CERCLA Section 103 Hazardous Substances     Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

Copper Concentrate Handling and Storage: Store in a dry, well ventilated area away from sources of combustion, acids and strong oxidizers. Some sulphide concentrates may slowly oxidize in storage and generate sulphur dioxide as well as deplete the oxygen content of a confined space. The atmosphere within confined spaces containing concentrate must be tested before entry and the area thoroughly ventilated or self-contained breathing apparatus used, if conditions warrant.

Some sulphide concentrates may also oxidize and generate heat which accumulates in storage piles. If material is to be stored for an extended period, the temperature of storage piles should be monitored.

*Minimize dust generation and accumulation.*

May be ignited by open flames or other high temperature.

Ventilation: Use adequate local or general ventilation to maintain the concentration of copper concentrate dust in the working environment well below recommended occupational exposure limits.

*\*\*\*Supply sufficient replacement air to make up for air removed by the exhaust system.*

**Additional Reasons:**

*\*\*\*The copper concentrate dust removed from the work area by the exhaust system. How is this contained/handled/removed from the exhausted air?*

**HAZARDOUS DECOMPOSITION PRODUCTS:**

- Many sulphides react violently and explosively with powerful oxidizers, at the same time releasing large volumes of highly irritating and toxic SO<sub>2</sub>.
- May release highly toxic and flammable hydrogen sulphide (H<sub>2</sub>S) gas on contact with strong acids.
- High temperature operations such as oxy-acetylene cutting, electric arc welding, or arc-air gouging may generate toxic copper fumes and sulphur dioxide. The fumes will contain copper oxides, which, on inhalation in sufficient quantity can produce metal fume fever.
- This material contains approximately 0.006% (60 ppm) mercury. Mercury vapour may be released during high temperature processing and re-condense on cooler surfaces.
- It also contains approximately 0.035% arsenic.
- Under reducing condition (i.e. any strong acid or base plus an active metal such as metallic zinc) or in the presence of freshly formed hydrogen, traces of highly toxic ARSINE gas might be evolved.

**EXPOSURE CONTROLS / PERSONAL PROTECTION**

- Protective Clothing: coveralls or other work clothing, safety glasses, and gloves are recommended to prevent prolonged or repeated direct skin contact.
- Close-fitting safety goggles may be required to prevent eye contact if excessive dust is generated.
- 
- Avoid breathing dust.
- *\*Workers should wash immediately when skin becomes heavily contaminated as well as at the end of each work shift.*
- *\*Remove contaminated clothing and wash before reuse.*

This brings up an additional Reason for water pollution because showering or laundry will put the copper concentrate dust into the waste water system! This Project is proposed to last for 11-17 years. This is potentially a great amount of dust.

The cumulative copper concentrate dust in laundry &/or personal hygiene measures.

Also the Additional REASON for any **truck washing** if the truck has been carrying any copper concentrate.

Ecological Information: Copper concentrate is insoluble in water and its metals content has low direct bioavailability. *HOWEVER*, its processing or extended exposure in the aquatic and terrestrial environments can lead to the release of contained metals in bioavailable forms. *These can cause detrimental environmental effects.* The mobility of the contained metals in soluble forms is media dependent. They can bind with inorganic and organic ligands, reducing their mobility and bioavailability in soil and water. Bioavailability is also controlled by other factors such as pH and hardness in the aquatic environment.

Any employees dealing with the copper concentrate whose clothing or skin may be contaminated be required to change clothing & shower before leaving the site.

Any employees dust contaminated clothing:

- be washed at the Copper Flat Mine Project site
- 
- and all waste water from the laundry facility or shower facility be required to be checked for cumulative contamination.
- 
- Contaminated water be required to be treated and reclaimed to a safe standard before being released into any waste-water area.

Any TRUCKS or CONTAINERS that have been carrying any copper concentrate that are to be washed

- be required to be washed at the Copper Flat Mine Site
- in a specially contained area
- and any contaminated water be required to be treated and reclaimed to a safe standard before being released into any waste-water area.
- 

#### **20A SPILL OF HAZARDOUS or TOXIC MATERIAL - long Chain of Command**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the NMCC Spill Contingency PLAN to handle any **spillage of hazardous or toxic materials** is flawed by the long list of people in their Chain of Command who may need to be contacted in the event that the first people in the chain of command are not available. This may lead to unnecessary delay in safely handling any hazardous spill.

NMCC Copper Flat Mine- Spill Contingency Plan, Page 1, Page 3, page 4

Whoever discovers the spill –tries to control it, then contacts

Supervisor if not available then contacts

Loss Control Dept if not available then contacts

EM if not available then contacts

Loss Control Leader if not available then contacts

General Manager if not available then contacts

Maintenance Superintendent if not available then contacts

Production Superintendent if not available then contacts

Security who contacts any on the list not at the facility, but may be at home or wherever  
if not available then contacts

Security then contacts "others"

#### **21 SPILL PLAN - page 1**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the NMCC Copper Flat Mine- **Spill Contingency Plan is not adequate** because within their statement (Page 1) it says:

"The Environmental Manager (EM) has primary responsibility for implementing the Contingency Plan. *The EM or his/her designee will be present at the facility during normal working hours.*"

NMCC does not address the fact that the Mine will be running 24 hours a day / 7 days a week / 360 days a year.

A normal shift is 8 hours, 5 days a week.

This Plan leaves the facility with only a *designee* on site to Be In Charge of handling any *hazardous material spills* for the **majority** of the shifts that the facility will be in operation.

This can cause an **inadequate or improper response** to a spill of hazardous material.

NMCC Copper Flat Mine- Spill Contingency Plan, Page 1

A current, up-to-date, detailed **NMCC Spill Contingency PLAN** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

#### **23 SPILL PLAN page 4**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the NMCC Copper Flat Mine- **Spill Contingency Plan is flawed** because with in their statement (Page 4)

*"The EM [Environmental Manager] will notify the appropriate state and federal agencies concerning spills or releases as required. **NO ONE** but the EM or designated representative, or the General Manager **is authorized to call any government agencies concerning spills.** This restriction is needed to ensure that only confirmed, accurate information is provided to the regulatory agencies."*

*Concern Reasons Include:*

There may be emergency situations where it is the **immediate contact and rapid response of a government Agency team** that is required to handle the spill of hazardous materials.

Reasons to deny the new mine permit include:

Citing competing priorities and lack of funds, EPA has not implemented a 1980 statutory mandate under Superfund (CERCLA) to require businesses handling hazardous substances to demonstrate their ability to pay for potential environmental cleanups— that is, to provide financial assurances.

Because of this inaction, EPA has exposed the Superfund program and U.S. taxpayers to potentially enormous cleanup costs at gold, lead, and other mining sites and at other industrial operations.



A current, up-to-date, detailed **NMCC Spill Contingency PLAN** needs to be included in the NM MMD's consideration of the possible approval or denial of this new mine permit application.

## **25 PIPELINE**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of the condition of the pipeline that will be used to carry water from the production wells located in Sections 30 and 31, T15 South, Range 5 West 7-8 miles to the mine site location.

This pipeline has been buried underground and unused for 30 years. I am concerned that this pipeline will leak thus wasting unknown quantities of water.

There is no **Plan for Monitoring this Pipeline for leakage**.

## **26 Data Missing from the NMCC Mining Plan of Operation**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because of all the places in the Plan of Operation where data is missing.

Places where instead of data it just says:

- "Pending"
- "will be determined....."
- "will be added as design studies go forward...."
- and other similar statements that are used in place of adequate data, studies, plans, reports, etc concerning the actual Plan of Operation

There is no way to know if what may be added as data, studies, plans, reports, etc concerning the actual Plan of Operation might be a CONCERN and the public, who is supposed to have an opportunity to share concerns during the SCOPING PROCESS & or Public Hearings has NO WAY to voice it's CONCERNS if it does not have a chance to see this information.

**New information added to the currently available NMCC Mining Plan of Operation** needs to be made available to the public with adequate time to study it and adequate time to share CONCERNS with all participating agencies & State and Federal Departments so that any concerns can be included in consideration of the possible approval or denial of any permits.

## **27 PIT LAKE**

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because NMCC will remove the water that is currently in the 'pit lake' by

- pumping it out onto the ground,
- or spraying it into the air for dust control
- or pumping it into the **existing un-lined tailings impoundment**
- or into some **temporary 'holding place'** that will not be adequate to **protect the ground water**.

○ The water in the pit lake *is known to be highly toxic* with high levels of TDS and high sulfate concentrations which have been getting steadily higher. As well as having periods when the pit water shows acidity.

See : The Natural Defenses of Copper Flat Sierra Co, NM, J. Steven Raugust & Virginia T. McLemore

The Plan of how this water will be handled seems vague and unsafe.

If this huge amount of toxic water should accidentally get into the ground water it can contaminate ground water meant for human consumption, stock watering &/ or agricultural use.

#### 28 HDPE Liner - CQA & CQC

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because in the NMCC Mining Plan of Operation & the DEIS there are no specifics about the HDPE liner they will be using.

#### Concern Reasons:

As stated by one company in the geosynthetics industry, *'It is normal practice to completely track all materials from manufacture to final inspection; qualify technicians and welding equipment each day before welding and every 4 hours after that; and to test each and every seam made in the field.'* [Layfield Environmental Containment; [www.layfieldgroup.com](http://www.layfieldgroup.com)]

Within the United States EPA Guide for Industrial Waste, Part IV, Protecting Ground Water, Chapter 7: Section B, Designing and Installing Liners: Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles (EPA Guide); *'Section VI discusses **construction quality assurance and quality control**'* Additional references on this will follow.

In the NMCC Mining Plan of Operation & the DEIS there are:

No specifics about exactly which **resin** will be used

nor any detailed information about testing of the geomembrane rolls for defects, manufacturing requirements,

installation requirements,

qualification of the Company hired to do the manufacturing nor the installation,

no detailed plan for ground preparation

no detailed plan for installation over the gradual increase of the footprint of the TSF over the years the mine is producing tailings.

ETC.

#### **Reasons:**

If Golder Associates does not handle HDPE geomembrane liner manufacture, installation, seaming, CQA, or repairs, then perhaps there is no information within the NMCC Mining Plan of Operation giving information on this vital issue. This too seems **inadequate information** to provide the needed detailed information for the NM MMD to make an informed decision about the new mine permit application.

#### 29 TSF Area Expansion

NM MMD should not approve this NMCC new mine permit application for Copper Flat Mine Project because the Tailings Storage Facility will be expanded into an area that has not been studied.

Reasons:

Since the TSF will be greatly expanded into an area for which no geotechnical or hydrogeological study has been done and because the ground beneath the current TSF (Quintana) is known to be *permeable* and has been *proven* to be leaking AMD into the ground water for the past 36 years; I believe the NM MMD should NOT approve this new mine permit application.

Within the Golder Associates report, **the existing problem(s) & potential problem(s) at Copper Flat mine are clearly defined in these sections:**

page 3 : *'During the (Quintana), 1981-82 operating period, high concentrations of **total dissolved solids and sulfate** were detected in groundwater immediately downgradient from the existing Quintana (unlined) TSF.*

*Local seepage of contaminated groundwater, which has been attributed to the existence of permeable geologic units in the TSF foundation, allowed process water and tailings seepage to migrate from the (TSF) impoundment.'*

page 1: *'Permeable foundation materials encountered during site investigation and construction of the (Quintana) TSF have been identified as the potential pathway for seepage from the TSF. Meteoric water leaching of tailings from the Quintana operation potentially contributes additional sulfate and dissolved solids to local groundwater. Management of existing tailings to mitigate existing and ongoing groundwater impacts is considered a parallel objective of TSF design.'*

page 2 - 2.2 *'The existing TSF site was extensively explored by Sargent, Hauskins & Beckwith (SHB) in 1979 and 1980 as part of the SHB design effort.*

***No additional field work** was conducted as part of (this- Golder Assoc) conceptual design efforts.'*

*'...the (TSF) facility [for NMCC] will be expanded approximately 1,000 feet to the east.'*

*"Geotechnical investigation (SHB, 1980) of the existing TSF area was extensive, **however, a portion of the new TSF will occupy ground that has not (my emphasis) been evaluated for geotechnical and hydrogeological condition.** A preliminary site investigation plan (my emphasis) is presented in this (Golder Assoc., Inc) conceptual design report."*

All the above information alerts NM MMD, other agencies & the Public to some of the problems at the Copper Flat mine site concerning any future tailings storage facility. It is obvious that any conceptual plans, technical plans and construction quality assurance for a new TSF need to be *scrutinized with great care*.

Wisdom would indicate that to protect the water & all aspects of the environment and for the highest quality all around there needs to be included in the NMCC Mining Plan of Operation & in the New Mining Operation Permit application, a Construction Quality Assurance Plan and a CQC Plan for any HDPE geomembrane liners. This would include a *highly qualified business* that can independently do the necessary testing at each step in the process of any HDPE geomembrane.

For all the above Concerns and Reasons:

Where necessary; NM MMD needs to apply the principle of 'cumulative effects' to the Social and Economic hardship that any of these issues might cause.

NM MMD needs to take into consideration these issues while making their determination this NMCC New Mining Operations Permit application.

I want all of us to be proud of our NM MMD

Thank you for reading my concerns and for your sincere and knowledgeable attention to the details of this PERMIT.

Please make a fully informed and cautious decision.  
Candace Browne

Some of the Research documents used to support my Reasons:

**Comparison of Predicted and Actual Water Quality at Hardrock Mines, The reliability of predictions in Environmental Impact Statements** by Ann S. Maest - Buka Environmental, Boulder, CO and James R. Kuipers, Kuipers & Associates, Butte, Montana, 2006, [www.kuipersassoc.com](http://www.kuipersassoc.com) or EARTHWORKS, [www.mineralpolicy.org/earthworks\\_at\\_home.cfm](http://www.mineralpolicy.org/earthworks_at_home.cfm)

**Predicting Water Quality Problems at Hardrock Mines**, A Failure of Science, Oversight, and Good Practice by Alan Septoff, EARTHWORKS, 2006

**Contaminant Loading on the Puerco River [New Mexico], A Historical Overview** by Chris Shuey, Southwest Research and Information Center, Albuquerque, NM, 1992, including among others Uranium Mine Dewatering Effluent Discharges, The July 1979 [Church Rock] Uranium Mill Tailings Spill and Long-term Water Quality Impairments.  
<http://www.sirc.org/uranium/PUERCO92.html>

**Federal SUPERFUND Program**

Dealing with mining disaster clean up.

**[Http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php](http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php)**

1980 Comprehensive environmental Response, Compensation, and Liability Act (CERCLA), BETTER KNOWN AT THE Superfund Act. This law gives the federal government the authority to respond to chemical emergencies and to clean up uncontrolled or abandoned hazardous waste sites both on private and public lands.

The Superfund Act program addresses both short- and long-term risks, from toxic chemical spills and threats to the permanent cleanup and rehabilitation of abandoned hazardous waste sites.

The Superfund also provides authority for the prosecution of those responsible for the releases of hazardous waste and a trust fund to subsidize cleanup when no responsible party can be identified.

With the expiration of the Superfund tax, EPA must rely on annual appropriations to fund cleanups. These appropriations have been declining and the pace of cleanups has slowed. Further, citing competing priorities and lack of funds, EPA has not implemented a 1980 statutory mandate under Superfund to require businesses handling hazardous substances to demonstrate their ability to pay for potential environmental cleanups – that is, to provide financial assurances.

**Hilpert 1969. Hilpert, L. S. Uranium Resources of Northwestern New Mexico. U.S. Geological Survey**

(Washington, D.C.), Professional Paper 603.

[*Note:* This report and other USGS reports and maps show that uranium mined in the region in the 1950s and 1960s was taken from formations that were, and still are, major sources of ground water. One report said that the ore body of one mine that opened in 1960 was 100 feet below the water table.

**"Summitville Mine". Region 8 - Superfund. U.S. Environmental Protection Agency.** Archived from the original on 2006-10-10.

<http://web.archive.org/web/20061010032331/http://epa.gov/region8/sf/sites/co/sville.htm>  
] Retrieved 2007-01-04.

**Effects of Surface Mining on Ground Water Quality,** Nature of Ground-water pollution by surface mining by Henry Rauch

**HARDROCK MINING IN NEW MEXICO, 2006**

EARTHWORKS 2007, Cathy Carlson and Jonathan Schwartz

[www.earthworksaction.org](http://www.earthworksaction.org)

Abandoned Mines: The counties with the most abandoned mines are Grant, McKinley and **Sierra.**

The state does not have dedicated funding for cleaning up pollution from abandoned mines. The

New Mexico Abandoned Mine Land Bureau gets funding from the federal Surface Mining Control and Reclamation Act to mitigate only physical hazards at abandoned hardrock mines.

**Las Cruces Backs State Water Rights Lawsuit, KRWG News, 2011-09-26,**

The Las Cruces City Council, on the recommendation of the Las Cruces Utilities Board, today authorized the City to seek intervention on the side of the State of New Mexico in the State's

lawsuit against the U.S. Bureau of Reclamation (BOR) to protect water that lawfully belongs to New Mexico.

The City seeks to compel the BOR to complete a proper and full scale environmental impact statement (EIS) to help ensure that the Mesilla Valley has long-term water sustainability.

#### **New Mexico Department of Health, January 2007, Sulfate In Drinking Water**

Natural levels can be increased by contamination from **mines, mills**, landfills, sewage and other manmade sources.

What level of sulfate is recommended for drinking water?

New Mexico Environment Department (NMED) and the Environmental Protection Agency (EPA) recommend that public water systems not have sulfate above 250 milligrams per liter (mg/L).

The EPA has also established a drinking water health advisory of 500 mg/L to prevent loose stool and diarrhea in persons not used to high levels of sulfate.

What are the health effects of sulfate in drinking water?

Drinking water with sulfate at levels exceeding 500 mg/L can cause strong laxative effects, such as diarrhea.

Animals are also sensitive to high levels of sulfate.

#### **National Sanitation Foundation**

<http://www.nsf.org/> or at toll-free at 1-877-8-NSF-HELP (1-877-867-3435).

#### **What is Metallic Sulfide Mining?**

[http://waterlegacy.org/sulfide\\_mining](http://waterlegacy.org/sulfide_mining)

**Metallic sulfide mining is a Midwest US term for hardrock mining for metals in sulfur-bearing rock, as differentiated from coal, iron ore, or gravel extraction.**

Metallic sulfide mining is the practice of extracting metals from a sulfide ore body.

In Minnesota, these metals include copper and nickel with trace amounts of cobalt, platinum, palladium, and gold.

Toxic metals in acid mine drainage (AMD) have polluted waters everywhere.

The U.S. EPA (Environmental protection Agency) has extensive information about AMD

#### **Technical Resource Document, Extraction and Beneficiation of Ores and Minerals, Vol 4, COPPER**

EPA 530-R-94-031, NTIS PB94-200979, 1994, US EPA Office of Solid Waste, Special Waste Branch, Washington.

##### **1.6 ENVIRONMENTAL EFFECTS**

##### **1.6.1 Potential Sources of Contamination**

##### **1.6.1.1 Mine Dewatering**

##### **1.6.1.2 Releases from Active Leach Units**

##### **1.6.1.3 Releases from Leach Units During and After Closure**

##### **1.6.1.4 Releases from Tailings Impoundments**

##### **1.6.1.5 Acid Drainage**

##### **1.6.1.6 Beneficiation Reagents**

##### **1.6.2 Factors Affecting the Potential for Contamination**

##### **1.6.3 Affected Media**

- 1.6.3.1 Ground Water/Surface Water
- 1.6.3.2 Soil
- 1.6.3.3 Air
- 1.6.4 Damage Cases
  - 1.6.4.1 National Priorities List
  - 1.6.4.2 304(l) Sites . . . . .
- 1.7 CURRENT REGULATORY AND STATUTORY FRAMEWORK
  - 1.7.1 Environmental Protection Agency Regulations
    - 1.7.1.1 Resource Conservation and Recovery Act
    - 1.7.1.2 Clean Water Act
    - 1.7.1.3 Clean Air Act
  - 1.7.2 Department of the Interior
    - 1.7.2.1 Bureau of Land Management
    - 1.7.2.2 National Park Service and Fish and Wildlife Service

***Technical Resource Document: Copper***

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- 1.7.3 Department of Agriculture
  - 1.7.3.1 Forest
- 1.7.4 Army Corps of Engineers
- 1.7.5 State Programs

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, February 1996, Draft Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.  
paper copy about 400 pages

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, March 1999, Preliminary Final Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.  
electronic copy, 491 pages

**The Official Publication of the American Society of Mining and Reclamation, Spring/Summer 2005, reclamation matters, Conference Preliminary Program**, page 18, The Natural Defenses of Copper Flat Sierra County, NM by J. Steven Raugust and Virginia T. McLemore

**MSDS, Material Safety Data Sheet, Copper Concentrate, Vale Inco., www.valeinco.com**

Product Composition and Toxicological Data  
Physical Data  
Fire or Explosion Hazard  
Reactivity and Stability  
First Aid Measures  
Preventative Measures Spill, Leak and disposal Procedures

## Preventative Measures Special Protection Information

### **THEMAC Resources, New Mexico Copper Corporation, Copper Flat Mine Plan of Operations Report**

prepared for U.S. Department of the Interior Bureau of Land Management Lac Cruces District  
Office , December 2010, Revised June 2011.

NMCC\_PoO\_191000\_03\_20111120\_FNL.doc.

electronic copy, 358 pages

### **Office of the State Engineer, New Mexico, Rules and Regulations Governing the Appropriation and Use of Ground Water in New Mexico, 1995**

(Revised August 2006), John R. D'Antonio, Jr., PE State Engineer,

electronic PDF, 31 pages

### **Environmental Mining Council of British Columbia**

[www.miningwatch.org/emcbc/publications/amd\\_water.htm](http://www.miningwatch.org/emcbc/publications/amd_water.htm)

#### **ACID MINE DRAINAGE or AMD**

- AMD is the mining industry's greatest **environmental problem** and its greatest liability Once it starts, AMD can effectively **sterilize an entire water system** for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- When the mining industry argues that new mining development is "essential" to our way of life, it tends to understate the fact that we could and should achieve many of our metals needs through better re-use and recycling of existing metal products.
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.
- To permit an identified acid generating mine means that we are asking future generations to take on the responsibility for toxic waste sites that are going to have to be managed for possibly hundreds of years. Predictions about the success of managing this waste in the long term are, at best, speculative.
- 

#### **Preventing & Mitigating Acid Mine Drainage**

- Containing the waste material and runoff (with liners, impervious pads, diversion and collection ditches, etc.) *sometimes* keeps the pollutants from running off the mine site into surrounding groundwater or streams.
- most reliable strategy for preventing AMD is to *submerge the waste rock or tailings under water* (behind an impoundment or in a natural water body) to prevent exposure to oxygen.
- mix it with *lime*, then cover it with one metre of till
- bring the leachate to a *treatment plant* using alkaline and sludge measures.



- *paste backfilling*
- *blended dumps.*

**None of these solutions worked without other adverse consequences.**

### **Mining Claims and Sites on Federal Lands,**

BLM National Science and Technology Center, P-048, Online version revised 05/11

**Is Water the New Gold?,** by Anthony Mirhaydari, MSN Money, 6/22/2011

The next hot commodity for investors could be one you think is everywhere,  
but which in reality is increasingly hard to find: **Clean, fresh water**

### **Overview of New Mexico's Groundwater Code,**

James C. Brockmann, Stein & Brockmann, P.A., Santa Fe, NM, 27th Biennial Groundwater Conference and 18th Annual Meeting of the Groundwater Resources Assoc. of California, 2009, electronic PDF

### **Noncontiguous Mill Site Claim, How to Stake a Mining Claim,**

BLM internet

### **1872 Mining Law**

<http://www.friends-bwca.org/issues/sulfide-mining/>

**BLUE GOLD, THE GLOBAL WATER CRISIS AND THE COMMODIFICATION OF THE WORLD'S WATER SUPPLY,** by Maude Barlow, Chair, IFG Committee on the Globalization of Water, National Chair, Council of Canadians, June 1999

A Special Report Produced and Published by the International Forum on Globalization (IFG),

"The wars of the next century will be about water." – **The World Bank**

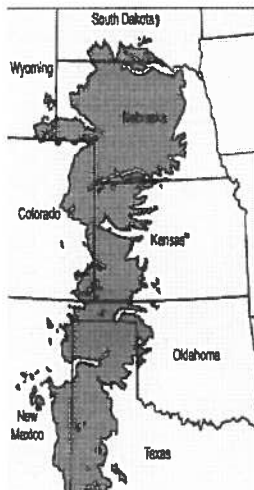
REPORT SUMMARY

- 1) Water belongs to the earth and all species
- 2) Water should be left where it is wherever possible
- 3) Water must be conserved for all time
- 4) Polluted water must be reclaimed
- 5) Water is best protected in natural watersheds
- 6) Water is a public trust to be guarded at all levels of government
- 7) An adequate supply of clean water is a basic human right
- 8) The best advocates for water are local communities and citizens

9) The public must participate as an equal partner with government to protect water

10) Economic globalization policies are not water sustainable

**Available fresh water amounts to less than one half of one percent of all the water on Earth.**



### **OGALLALA AQUIFER DEPLETION**

[http://www.naturalnews.com/031658\\_aquifer\\_depletion\\_Ogallala.html#ixzz1Grvm1vsh](http://www.naturalnews.com/031658_aquifer_depletion_Ogallala.html#ixzz1Grvm1vsh)

The largest underground freshwater supply in the world, stretching from South Dakota all the way to Texas.

**Aquifer depletion is a global problem**

**NEPA Handbook, H-1790.2k8.01.30[1]**

**BLM National environmental Policy Act, January 2008**

pdf, pages 184

**US DEPT OF THE INTERIOR, BLM, Instruction Memorandum No. CO-2004-014**

Updated Environmental Assessment (EA), Categorical Exclusion (CE), and Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy (DNA) Templates, Updated List of Critical Elements of the Human Environment in Bureau of Land Management (BLM) NEPA Handbook (H-1790-1) and EA-Level Guidance

**1976 Federal Land Policy management Act, or FLPMA (Pub. L. 94-579)**

FILED IN US Dept & LAWS

The Federal Land Policy and Management Act of 1976 As Amended Compiled by U.S. Department of the Interior Bureau of Land Management and Office of the Solicitor Washington, D.C, October 2001. pdf, 78 pages

**A History of the Gila River Basin in New Mexico, Events, Adjudication & Limitations**

Tink Jackson, OSE District 3 Manager, New Mexico Gila River WaterMaster  
Power Point

**Geotechnical Construction Quality Assurance (CQA) Plan for Construction of the Composite Liner System at Gregory Canyon Landfill ; Prepared for: Bryan A. Stirrat & Associates**

**\*United States Environmental Protection Agency Guide for Industrial Waste, Part IV, Protecting Ground Water, Chapter 7: Section B, Designing and Installing Liners: Technical Considerations for New Surface Impoundments, Landfills, and Waste Piles**

**New Mexico Copper Rule**

**Title 20 environmental Protection**

**Chapter 6 Water Quality**

**Part 7 Ground Water Protection – Supplemental Permitting  
Requirements for Copper Mine facilities**

**Estimating Leakage Rates Through Barrier Systems**

**Riva Nortje MScEng (Civil) PrEng Associat Waste & Tailings; Jones & Wagener, Engineering  
& Environmental Consultants,**

**US EPA, Office of Water, 800-F-93-001**, October 1993, Robert Perciasepe, Assistant  
Administrator  
General overview

**US DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT**

MANUAL TRANSMITTAL SHEET, Release 3-318, 03/20/2004  
3800- Mining Claims Under the General Mining Laws – (Public)

**Mining & Mineral Law by Jeanine Feriancek of Holland & Hart LLP**

<http://library.findlaw.com/1999/jan/1/241491.html>

**ANDACOLLO COPPER CONCENTRATE MATERIAL SAFETY DATA SHEET**

TECK METALS LTD, Suite 3300, 550 Burrard St, Vancouver, BC, V6C 0B3

30 January 2012

Copper Concentrate

Composition/ Information on Ingredients

Hazards Identification

First Aid Measures

Fire Fighting Measures

Accidental Release Measures

Handling and Storage

Exposure Controls / Personal Protection

Physical and Chemical Properties

Stability and Reactivity

Toxicological Information

Ecological Information

Transport Information

Regulatory Information

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight - 24-28%

Other Information: References

**NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

**2010 Annual Report of the Mining Act Reclamation Program to the NM Mining Commission,**

**Director: Charles Thomas, P.E., Program Manager: Holland Sheperd**

electron pdf of 68 pages.

New Mexico Copper Corporation submitted a sampling and analysis plan for the Copper Flat Mine, a proposed new regular copper mine in Sierra County. The operator has already submitted a plan of operation to the Bureau of Land Management (BLM). MMD and BLM are working together to address the federal NEPA and state Environmental Evaluation (EE) processes. (page 18) (other pages show permits and bonds)

**WATER CONVERSION TABLE**

Montana Department of Natural Resources and Conservation

<http://www.dnrc.state.mt.us/wrd/home.htm>

Form No. 615 R10/2009

GPM, CFS, AF

General Water Requirements: various

Planning Guide for Water Use: various